PHASE I
ENVIRONMENTAL SITE ASSESSMENT

109-125 MARBLEDALE ROAD
TUCKAHOE, NEW YORK

September 6, 2013

PREPARED FOR:

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1 INTRODUCTION

HydroEnvironmental Solutions, Inc. (HES) was retained by Mr. William Weinberg of Bilwin Development Affiliates, LLC to complete a Phase I Environmental SITE Assessment (ESA) at 109-125 Marbledale Road in Tuckahoe, New York (the SITE) (**Figure 1**). This ESA was prepared in conformance with the ASTM International (ASTM) Standard Practice E 1527-05 for Phase I ESAs, which meets the requirements of the U.S. Environmental Protection Agency (EPA) Standards and Practices for All Appropriate Inquiries (AAI); Final Rule (40 CFR Part 312).

This report was completed on behalf of the Bilwin Development Affiliates, LLC. The report was completed by Brian Turchetta; Richard S. Vandenberg, CG, PG; and Tim Bishop of HES. Resumes for these staff are provided in **Appendix 1** to demonstrate their qualifications to perform this work.

No Phase I ESA can wholly eliminate uncertainty regarding the potential for recognized environmental conditions (RECs)[1] in connection with a property. Performance of this practice is intended to reduce, but not eliminate, uncertainty regarding the potential for RECs in connection with the SITE, and this practice recognizes reasonable limits of time and cost. To the extent possible, this Phase I ESA presents a concise summary that qualitatively identifies potential environmental liability and provides HES' professional opinions relative to the identified RECs so that informed business decisions may be made regarding the SITE. If the findings from this Phase I ESA indicate or reasonably imply that environmentally regulated materials are affecting the SITE, then the need for additional testing to evaluate the scope, location, source, and nature of any release or threat of release is included as a recommendation. In contrast, the Phase I ESA may also conclude that the likelihood of environmental problems is not significant and that there is no evidence of RECs in connection with the SITE. The benefit of the completed Phase I ESA is that any new owner would be eligible for the *bona fide* prospective purchaser liability protection.

Appendix 2 contains HES' Scope of Work for Phase I ESA's, which can be divided into the following broad categories: Records Review; SITE Reconnaissance; Interviews; and Reporting. However, the following report is subdivided further so that it generally conforms to the recommended report format provided in ASTM Practice E 1527-05.

[1] See Section 17 – References; Page 27.

2 USER PROVIDED INFORMATION

In accordance with ASTM E 1527-05, the user of this report was interviewed concerning their responsibilities under ASTM E 1527-05 Chapter 6. For this Phase I ESA, Mr. William Weinberg of Bilwin Development Affiliates, LLC was the interviewed. The following subsections summarize the information that the user of this report provided to demonstrate that they met their responsibilities under ASTM E 1527-05.

2.1 Reason For Performing Phase I ESA

It is our understanding that the Phase I ESA is being performed to meet the requirements necessary to enter into the State of New York Brownfields Program. However, one element of the program is that the purchasers complete a Phase I ESA to satisfy one of the requirements for meeting the *bona fide* prospective purchaser Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) liability protection.

2.2 Specialized Knowledge

Mr. Weinberg has significant experience buying and redeveloping properties and understands some of the environmental challenges that go along with redeveloping properties in the Village of Tuckahoe, New York but he has no specialized knowledge as it relates to the identification of RECs at sites similar to this.

2.3 Commonly Known or Reasonably Ascertainable Information

Mr. Weinberg reported no commonly known or reasonably ascertainable knowledge of the SITE other than the following:

- That underground storage tanks (USTs) were previously located on the property but have since been removed.
- That the property has been filled with material from of an unknown origin.

2.4 Title Records

Full chain-of-title records were not provided within the time constraints of this Phase I ESA. However, it is HES' opinion that an adequate history of the SITE was able to be obtained from other historical sources. As such, the lack of title records was not determined to represent a significant data gap.

2.5 Environmental Liens or Activity Use Limitations

A third party, such as a state or federal governmental agency, may place environmental liens on a property in order to recover clean-up costs that were incurred by the party. The existence of a recorded environmental clean-up lien on a property is an indication that environmental conditions either currently exist or previously existed on a property. Activity or land use restrictions for a property may be placed on the property deed to prevent exposure to hazardous or contaminated materials. The existence of an environmental clean-up lien or activity/land use restrictions could be considered an indicator of potential environmental concerns, and could be a basis for additional environmental investigations on a property to determine the potential existence of ongoing or continued releases of hazardous substances or petroleum products.

HES did not identify any environmental liens or activity use limitations as a part of the research conducted for this Phase I ESA.

2.6 Reduction of Valuation for Environmental Issues

Mr. Weinberg indicated that Bilwin Development Affiliates, LLC will pay fair market value for the property without reduction for any identified environmental issues.

3 SUMMARY OF PRIOR ENVIRONMENTAL REPORTS

HES conducted a Phase II ESA of the property in April 2013. This ESA was prepared in conformance with HES' April 19, 2013 work scope and New York State Department of Environmental Conservations (NYSDEC) rules and regulations in accordance with ASTM Standard 1527-05. All Phase II fieldwork was conducted by HES on May 6, 2013. To evaluate the SITE, HES recommended that subsurface investigation work be conducted. HES prepared a detailed work scope and cost estimate to conduct the Phase II ESA and provided it to Mr. Bill Weinberg of Bilwin Development Affiliates, LLC. for review and approval. The following Phase II ESA field activities were completed as a part of the prior Phase II ESA work:

- Drilling and installation of twelve soil borings and two temporary groundwater monitor wells at locations selected by HES;

- Collection of soil samples during drilling from all of the test borings for laboratory analysis for volatile organic compounds (VOCs), semi-volatile organic compounds (SVOCs) and inorganic compounds (metals and PCBs) at a New York State certified laboratory;

- Collection of groundwater samples for VOC and SVOC analyses following drilling from two temporary monitor wells;

Results of this work demonstrate that the soil beneath the SITE at several locations contained concentrations of VOCs, SVOCs and inorganic constituents above laboratory method detection limits (MDLs) and NYSDEC Soil Cleanup Levels (SCLs).

Groundwater was encountered at two boring locations to a maximum depth of 13 ftbg (feet below grade) and both groundwater samples collected for laboratory analysis contained concentrations of dissolved petroleum constituents above laboratory MDLs and NYSDEC Ambient Water Quality Standards (AWQS).

Based on field observations made during soil boring installation activities, HES concluded that the petroleum and metal constituents observed in the soil and petroleum constituents observed in the groundwater are related to historic fill that was used to backfill the SITE. Based on this conclusion and others made in the Phase II ESA report, HES recommended that the following additional work be completed at the SITE:

- HES recommended any soil that is excavated due to new construction at the SITE be removed and disposed of properly at a NYSDEC approved disposal facility due the fact that it would likely contain contaminants making it a special waste.

- HES recommended further delineation of contaminants in the soil or groundwater beneath the SITE be conducted in order to determine the extent of the constituents of concern and their impact on future construction. Multiple monitoring wells and ground borings likely need to be installed to complete the delineation.

4 SITE DESCRIPTION

The subject SITE consists of approximately 3.43 acres of vacant land located on the west side of Marbledale Road in Tuckahoe, Westchester County, New York. The SITE is referred to by the Village of Tuckahoe as Section 35; Block 1; and Lot 1A. Photographs of the subject property are included in **Appendix 3.**

The general location of the SITE is depicted on **Figure 1.** A generalized SITE plan is included as **Figure 2** and a plan showing surrounding land use is included as **Figure 3**.

4.1 SITE Location

The SITE latitude and longitude coordinates are 40° 57' 15.12" North and 73° 49' 12.72" West. **Figure 1** shows the general location of the SITE in Tuckahoe, New York.

4.2 Present Ownership and Use

Ardmar Realty reportedly owns the property which consists of two parcels. The majority of the property is located in the Village of Tuckahoe, but a small portion is located in the Town of Eastchester. The property is referred to on tax maps as Section 35; Block 1; lots 1AE and 1AT.

The property is not currently being used on a continuous basis. However, asphalt/gravel/grass parking areas are evident on the property.

4.3 SITE Improvements

4.3.1 Structures

Two structures were observed on the SITE. A wood shed on a trailer was observed in the northwestern corner of the property and a metal/wood mobile storage unit was noted near the northeastern corner of the property. Both these structures appeared to be formerly in service as storage units.

4.3.2 Roads

Marbledale Road abuts the SITE to the east. No other roads border the SITE.

4.3.3 Heating/Cooling Source

No heating or cooling facilities were noted on the SITE.

4.4 Waste Water Disposal

The SITE does not appear to require waste water disposal due to its vacant nature but services, if needed, would be provided by the Village of Tuckahoe. It is not known if former buildings on-SITE were serviced by Village waste water services or by on-SITE facilities.

4.5 Water Supply

No water supply was evident on-SITE. However, United Water New Rochelle would provide potable water to the property if it were developed in the future.

4.6 Other Utilities

No Electric service appears to enter the SITE. However, a disconnected utility pole was noted in the central portion of the SITE as well as an out-of-service electric panel which was noted along the western property boundary.

4.7 Adjoining Property Uses

Properties adjoining the SITE are residential, commercial and/or industrial in nature. Adjoining property uses include a brewery, fitness center, auto repair, vacant land, residential properties, and an auto lot. **Figure 3** shows the surrounding land use with respect to surrounding properties.

5 ENVIRONMENTAL SETTING

5.1 Topography

The topography of the SITE generally slopes from north to south across the SITE. **Figure 1** shows the topography of the SITE and area around the SITE. The property elevation is approximately 142 feet above mean sea level.

5.2 Bedrock and Surficial Geology

According to the Surficial Geologic Map of New York, Lower Hudson Sheet (Cadwell, 1989), the SITE is underlain by till deposited beneath a glacier. This deposit consists of poorly sorted diamict of variable textures. This unit has a variable thickness of 1 to 50 meters across the area mapped in the Lower Hudson Sheet. The bedrock below the SITE is mapped on the Geologic Map of New York, Lower Hudson Sheet (Fisher, 1970) as the Inwood Marble Formation comprised of dolomite marble, granulite and quartzite overlain by calcite marble.

5.3 Hydrogeology

The specific direction of groundwater flow was not determined during this phase of the ESA. However, based upon land surface and topographic relief, groundwater at the SITE is assumed to flow to the south (**Figure 1**).

5.4 Wetlands

There are no wetlands on or adjacent to the SITE.

6 SITE HISTORY

ASTM standards for Phase I ESAs require that historical records be searched for information on the SITE dating back to the SITE's earliest development or 1940, whichever is earliest, based on available documentation. Standard historical sources, as defined by ASTM E 1527-05, were ascertained and reviewed as part of this Phase I ESA. No title search information was provided by the user by the issue date of this Phase I ESA. However, we do not consider the lack of title information to be a significant data gap because an adequate record of historical SITE usage was obtained through historical documents reviewed by HES.

The earliest record found for the SITE was an historic USGS Topographic Map dated 1897. This map indicates that the SITE was already developed by this time and was in use as a marble quarry and as a part of the O'Connell and Hillery Lime & Marble Dust Company.

The following subsections summarize our review of available historical records.

6.1 Historical Source Reviews

6.1.1 Ownership Records

No Ownership records were reviewed as a part of the Phase I ESA.

6.1.2 Historical USGS Maps

The following historical USGS maps were reviewed relative to the SITE and surrounding area. Copies of these historical USGS maps are located in **Appendix 4**.

Topographic Map (Year)	Significant Land Use	Evidence of RECs and/or Bulk Storage or Release of Petroleum Products or Hazardous Substances
1897	The property may not have a documented use at this time; however, it is difficult to discern based on the scale of the map.	None Evident
1947	The open pit mines are evident on this map.	None Evident
1956	The 1956 topographic map shows a pond to be present on the SITE in area of the former marble quarry operations indicating that this area of the SITE has not been filled by this date.	Evidence of filling
1966	A portion of the open pit is now shown as open unoccupied space and appears to have been filled in.	Evidence of filling when compared to the 1956 map.
1979	A portion of the open pit is now shown as open unoccupied space and appears to have been filled in.	None Evident
1995	A portion of the open pit is now shown as open unoccupied space and appears to have been filled in.	None Evident

6.1.3 Aerial Photographs

The following historical aerial photographs were reviewed relative to the SITE and surrounding area. Copies of these historical aerial photographs are located in **Appendix 4**.

Aerial Photo (Year)	Significant Land Use	Evidence of RECs and/or Bulk Storage or Release of Petroleum Products or Hazardous Substances
1954	Standing water is noted on the southern portion of the SITE and it corresponds to other sources reporting marble mining operations. Filling appears to be ongoing based on this image.	Filling of the former marble mine with materials from unknown sources.
1964	A lot of debris is noted on this photo on the SITE behind building along Marbledale Road.	None Evident
1966	Vehicle Storage – Numerous vehicles parked over the entire SITE. A small open pit mine appears to still be open at this time on the southern portion of the SITE.	Parking of used cars could results in the release of petroleum.
1974	Vehicle Storage – Numerous vehicles parked over the entire SITE.	Parking of used cars could results in the release of petroleum.
1989		
1994		
2006	None – Asphalt noted covering the southern and central portions of the property.	None Evident
2009		
2011		

6.1.4 Directories

Available "city" directories dated 1933, 1942, 1947, 1955, 1960, 1971, 1976, 1982, 1987, 1992, 1997, 2001, and 2008 were reviewed for indications of SITE and surrounding area property uses that may be indicative of potential RECs. Beginning in 1955 and until 1976 a company by the name of Lee Oil & Chemical Co. occupied #125 Marbledale. However, because in most cases several entities are listed for #125, it is HES' assumption that Lee Oil & Chemical Co. occupied the building between the road and the SITE. In 1982, a Leigh Oil Corp. appears to replace Lee Oil & Chemical Co. The other listings noted in the historical directories review indicates that the area around the SITE was dominated by commercial and industrial businesses. The directory report is included in **Appendix 4**.

6.1.5 Sanborn Fire Insurance Maps

The Sanborn Fire Insurance Maps listed in the following table were available and were reviewed relative to the SITE and surrounding area. Pertinent property

uses determined from the maps are summarized below and copies of the maps are located in **Appendix 4**.

Sanborn Map (Year)	Significant Land Use	Evidence of RECs and/or Bulk Storage or Release of Petroleum Products or Hazardous Substances
1898	Marble Quarry Activities – O'Connell & Hillery Lime & Marble Dust Co. One building located on the southeastern portion of the property.	Lime Kilns located on and/or adjacent to the southeastern portion of the SITE.
1904		
1911	Marble Quarry Activities - Marbolith Stone Co. Two buildings evident on the property at this time in the central portion of the SITE.	None evident
1918	Marble Quarry Activities – No buildings evident	None evident
1932	Marble Quarry Activities – Conlin Marble Co. - Portions of five buildings on the SITE. Two open pit mines are shown on the property. Mines are present on southern and northern portions of the property.	None evident
1942	Marble Quarry Activities – Conlin Marble Co. - Portions of seven small buildings on the SITE. Mines are not shown any longer.	None evident
1950	Marble Quarry Activities – Portions of five buildings on the SITE. Two open pit mines are shown on the property. One is shown as "Old" at this time. Mines are present on southern and northern portions of the property.	None evident
1989	New Auto Staging – No building evident on the property. Auto Sales and Service facility adjacent to property. One small building shown on southern portion of the SITE.	Auto sales and service may be a concern because of the potential for bulk storage of petroleum and the use of hazardous substances to maintain automobiles.
1990		
1992		
1993		
1994	No use listed – Adjacent parcel to the south is listed a "NYNEX Van Parking"	None evident
1995	The northern part of the lot is listed as "Park'g"	Parking of used cars could results in the release of petroleum.
1996		
2003	The northern part of the lot is listed as "Park'g". The Auto Sales and Service Facility was replaced with a gym by this time.	Parking of used cars could results in the release of petroleum.

6.1.6 Consideration of Data Failure

Data failure is defined as a failure to achieve the historical research objectives of ASTM E 1527-05 after reviewing the standard historical sources

that are reasonably ascertainable and likely to be useful dating back to the SITE's earliest development or 1940, whichever is earliest.

Data failure has occurred during this Phase I ESA because standard historical documents are not available that define the SITE's earliest development and in certain 5 year intervals. However, it is HES' opinion that this data failure has not prevented the identification of RECs associated with the industrial and commercial use of the SITE since at least 1898.

7 GOVERNMENT RECORDS REVIEW AND INQUIRY

Federal, State and Local databases were reviewed for the SITE in an effort to determine the regulatory status of the SITE and to establish the location of surrounding properties with environmental records. A search of United States Environmental Protection Agency (USEPA) and New York State Department of Environmental Conservation (NYSDEC) database systems was completed by the independent firm Environmental Data Resources, Inc. (EDR). Search radii, GIS maps of the appropriate databases and a copy of the EDR report are attached electronically as a compact disk in **Appendix 4**.

The following current Federal environmental records were searched:

1) Federal National Priority Lists including: National Priority List (NPL), Proposed National Priority List SITEs (Proposed NPL) and Federal Superfund Liens (NPL Liens);
2) National Priority List Deletions (Delisted NPL);
3) Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) and the No Further Remedial Action Planned (CERCLIS NFRAP) SITEs;
4) Federal Facility SITE Information Listing (FEDERAL FACILITY);
5) Resource Conservation and Recovery Information System SITEs (RCRA CORRACTS) Corrective Action Reports;
6) Resource Conservation and Recovery Information System Treatment, Storage, and Disposal Facilities (RCRA TSDF);
7) Resource Conservation and Recovery Information System SITEs (RCRA LQG) for large quantity generators;
8) Federal Institutional Controls/Engineering Controls Registries Including: Engineering Controls SITE List (US ENG CONTROLS), SITEs with Institutional Controls (US INST CONTROL); and Land Use Control Information System (LUCIS).

The following current State records were searched:

1) Vapor Intrusion Legacy SITE List (Vapor Reopened) State and Tribal – Equivalent CERCLIS;

2) State and Tribal Landfill and/or Solid Waste Disposal Site List Facility Register (SWF/LF);
3) Leaking Underground Storage Tanks (LUSTs) on Indian Land (INDIAN LUST);
4) State and Tribal Registered Storage Tank Lists including: Storage Tank Facility Listing (TANKS), Chemical Bulk Storage Database (CBS UST/CBS AST), Major Oil Storage Facilities Database (MOSF UST/MOSF AST), Major Oil Storage Facility SITE Listing (MOSF), Chemical Bulk Storage Listing (CBS), Underground Storage Tanks on Indian Land (INDIAN UST), and Underground Storage Tank Listing (FEMA UST);
5) State and Tribal Institutional Controls/Engineering Controls Registries Including: Registry of Engineering Controls (ENG CONTROLS), Registry of Institutional Controls (INST CONTROL); and Restrictive Declarations Listing (RES DECL);
6) State and Tribal Voluntary Cleanup Sites Including: Voluntary Cleanup Agreements (VCP) and Voluntary Cleanup Priority Listing (INDIAN VCP);
7) State and Tribal Brownfields Sites including: the Environmental Restoration Program Listing (ERP) and the Brownfields SITE List (BROWNFIELDS).

The following Local records were searched:

1) US Brownfields;
2) Local Landfills and Solid Waste Disposal Sites Including: Torres Martinez Reservation Illegal Dump Site Locations (Debris Region 9), Open Dump Inventory (ODI), Registered Waste Tire Storage and Facilities List (SWTIRE), Registered Recycling Facility List (SWRCY) and Report on the Status of Open Dumps on Indian Lands (Indian ODI);
3) Local Lists of Hazardous Waste/Contaminated Sites including: Clandestine Drug Labs (US CDL) and National Clandestine Laboratory Register (US HIST CDL);
4) Registered Tanks: Historical Petroleum Bulk Storage Tank Database (HIST UST and HIST AST);
5) Local Land Records: CERCLA Lien Information (Liens 2) and Spill Liens Information (Liens);
6) Record of Emergency Release Reports from the Hazardous Materials Information Reporting System (HMIRS);

Other Ascertainable Records Searched Included:

1) Incident and Accident Data (DOT OPS);
2) Department of Defense Sites (DOD);

3) Formerly Used Defense Sites (FUDS);
4) Superfund (CERCLA) Consent Decrees (CONSENT);
5) Records Of Decision (ROD);
6) Uranium Mill Tailings Sites (UMTRA);
7) Mines Master Index File (US MINES);
8) Toxic Chemical Release Inventory System (TRIS);
9) Toxic Substances Control Act (TSCA);
10) FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act) (FTTS);
11) FIFRA/TSCA Tracking System Administrative Case Listing (HIST FTTS);
12) Section 7 Tracking Systems (SSTS);
13) PCB Activity Database System (PADS);
14) Material Licensing Tracking System (MLTS);
15) Radiation Information Database (RADINFO);
16) RCRA Administrative Action Tracking System (RAATS);
17) Risk Management Plans (RMP);
18) Hazardous Substance Waste Disposal Site Inventory (HSWDS);
19) Underground Injection Control Wells (UIC);
20) State Pollutant Discharge Elimination System (NPDES);
21) Air Emissions Data (AIRS);
22) E DESIGNATION SITE LISTING (E DESIGNATION);
23) Indian Reservations (INDIAN RESERV);
24) State Coalition for Remediation of Drycleaners Listing (SCRD DRYCLEANERS);
25) Financial Assurance Information Listing (Financial Assurance);
26) 2020 Corrective Action Program List (2020 COR ACTION)
27) Coal Combustion Residues Surface Impoundments List (COAL ASH EPA);
28) Steam-Electric Plant Operation Data (COAL ASH DOE);
29) Coal Ash Disposal Site Listing (COAL ASH);
30) PCB Transformer Registration Database (PCB TRANSFORMER);
31) Potentially Responsible Parties (PRP);
32) Financial Assurance Information (US FIN ASSUR);
33) EPA WATCH LIST (EPA WATCH LIST);
34) Potential Gas Station/Filling Station/Service Station Sites (EDR US Hist Auto Stat); and
35) Potential Dry Cleaner Sites (EDR US Hist Cleaners).

According to the EDR database search, no properties were identified within the ASTM standard search distances for each database at/or surrounding the SITE under the following databases: NPL, Proposed NPL, NPL LIENS, Delisted NPL, CERCLIS, FEDERAL FACILITY, RCRA-TSDF, RCRA-LQG, ROD, LUCIS, ERNS, SHWS, VAPOR REOPENED, INDIAN LUST, TANKS, CBS UST,

MOSF UST, CBS AST, MOSF AST, MOSF, CBS, INDIAN UST, FEMA UST, LIENS 2, LIENS, HMIRS, DOT OPS, DOD, FUDS, ROD, UMTRA, US MINES, TRIS, TSCA, FTTS, HIST FTTS, SSTS, ICIS, PADS, MLTS, RADINFO, RAATS, RMP, HSWDS, UIC, DRYCLEANERS, SPDES, AIRS, E DESIGNATION, INDIAN RESERV, SCRD Financial Assurance, 2020 COR ACTION, COAL ASH EPA, COAL ASH DOE, COAL ASH, PCB TRANSFORMER, PRP, US FIN ASSUR, EPA WATCH LIST, US AIRS, ENG CONTROLS, INST CONTROL, RES DECL, VCP, INDIAN VCP, ERP, BROWNFIELDS, US BROWNFIELDS, DEBRIS REGION 9, EDR MGP, EDR US Hist Auto Stat, EDR Hist Cleaners, ODI, SWTIRE, SWRCY, INDIAN ODI, US CDL, US HIST CDL, HIST UST and HIST AST.

According to the EDR database search, properties were identified within one mile to and ½ mile of the SITE under the following databases: RCRA CORRACTS, RCRA GEN, State/Tribal SWF/LF, State/Tribal Tanks, State/Tribal LTANKS, State/Tribal EC/IC, NY Spills, VCP, RCRA NLR, FINDS, MANIFEST, DRY CLEANERS, and US AIRS.

Within ½ and ¼ mile from the SITE, one State/Tribal SWF/LF site was found and 52 State/Tribal LTANKS sites were noted.

Within ¼ and $^{1}/_{8}$ mile of the SITE, three RCRA-SQG sites, twenty-four State/Tribal LTANKS sites, 35 State/Tribal Tanks sites (AST/UST), two State/Tribal EC/IC sites, one VCP site, sixteen RCRA NLR sites, twenty-two NY Manifest sites, two NY DRY CLEANERS site, eleven EDR US Hist Auto Stat sites, and seven EDR US Hist Cleaners sites were found.

Within $^{1}/_{8}$ mile of the SITE, one CERC-NFRAP site, three RCRA CESQG sites, eight LTANKS sites, seven NY State/Tribal Tanks sites (UST/AST), eighteen NY Spills sites, 5 RCRA NLR sites, one CONSENT site, three Manifest sites, four EDR US Hist Auto Stat sites, and one EDR US Hist Cleaners site were found.

Within the SITE property, one RCRA CESQG record, two FINDS records, one MANIFEST records, one US AIRS record, and one EDR US Hist Auto Stat record were found.

Of the 650 homes tested for radon in the area, the average radon level was 1.730 picoCuries per liter (pCi/L), which is below the US EPA Action Level of 4.0 pCi/L. The SITE is in Federal EPA Radon Zone 3, in which the indoor average level is less than 2.0 pCi/L.

In addition, the list of Orphan sites did not include any in proximity to the SITE.

It is worth noting that all the target property database listings are assigned to Fleetwood Collision Corp. which may have occupied an adjoining property. However, this is unclear and could not be determined within the time and cost constraints of this Phase I ESA.

7.1 Pertinent Local Records

HES obtained or attempted to obtain the records from the following local sources. Copies of obtained records are included as **Appendix 5**.

7.1.1 Village of Tuckahoe Building Department

The records held by the Village of Tuckahoe Building Department were voluminous and could not all be reviewed given the time and cost constraints of this Phase I ESA. During HES' limited review of the files, numerous records related to proposed development plans for the SITE, noise complaints, and information regarding a law suit brought by the Village for operating the property without a certificate of occupancy. A SITE plan obtained by HES from the Tuckahoe Building Department indicated there were previously four aboveground storage tanks (ASTs) on the property. HES also noted a March 31, 2004 letter report from Dutchess Environmental Construction (Dutchess) of Mahopac, New York concerning the closure of four ASTs from the property, the discovery of a contaminated 3" steel pipe, and the discovery and proper removal of a UST from the adjacent fitness center property. The letter report also discusses some associated soil remediation that occurred. The findings of the Dutchess report are summarized in the bullets below:

- Four ASTs that were reportedly located on SITE directly behind or adjacent to 125 Marbledale Road were pumped of residual oil, cleaned, and removed from the SITE for proper disposal in late 2003. See **Figure 2** for the former location of the ASTs.

- Approximately, 9,930 gallons of oil and water was recovered from the ASTs prior to removal.

- Evidence of an oil release was discovered from the former pump and piping was discovered. Approximately 46.64 tons of contaminated soil was removed from the AST area.

- During soil remediation efforts, an open 3" steel pipe of unknown origin was discovered terminating in the excavation. The pipe was determined to contain a flammable liquid. The pipe was traced back to a dumpster area and a 5,000 UST. While only one hand drawn sketch map was noted, the tank appears to have been located on the adjacent fitness center parcel parking lot, but the pipe and terminus appears to have been located on the SITE.

- The tank was properly removed and disposed of. Approximately 280 tons of contaminated soil was removed from the area of the pipe terminus and from beneath the tank.

No information was noted to indicate if any contaminated soil remained after the removal action. In addition, no information on the presence or likely presence of groundwater contamination from these tanks was noted in the reports or the Building Department file.

7.1.2 Village of Tuckahoe Fire Department

HES called the Village of Tuckahoe Fire Prevention Office during the Phase I ESA to determine the extent of records for the SITE. HES talked with Lt. Pintavalle regarding the records. At the time, Lt. Pintavalle indicated that no records were available for the SITE. As result, no pertinent files were obtained. Lt. Pintavalle was also interviewed for the Phase I ESA. The results of the interview are included in **Section 9.4.2**.

8 SITE RECONNAISSANCE

HES representatives completed a comprehensive visual inspection of the subject SITE on August 13, 2013. During inspection activities HES met with Mr. Peter Galante representing Bilwin Development Affiliates, LLC. Mr. Galante granted access to the property. HES attempted to interview Mr. Galante, but he claimed to not have an understanding of historical SITE operations.

The inspection was completed to obtain information to aid in identifying RECs. In addition, the surrounding properties were viewed in an attempt to identify potential RECs adjacent to the property. During the SITE inspection, HES walked the accessible portions of the SITE on foot. Photographs taken during the SITE reconnaissance are included in **Appendix 3**. Limitations to the SITE reconnaissance are documented in **Section 8.3**. Pertinent observations made during the SITE reconnaissance are detailed below:

8.1 Exterior Observations

The SITE is composed of a vacant lot that is fenced on the southern, eastern, and northern sides. Access to the SITE was provided by Mr. Peter Galante through a locked gate located along the eastern side of the SITE just south of 125 Marbledale Road. The southern portion of the lot is covered with partially overgrown asphalt. The center of the property to the north is dominated by dense areas of tall grass/weeds. The eastern and central portions of the SITE are generally flat sloping slightly to the south. The topography rises at least 30

feet from the center of the property to the west. The topographic rise is due to prominent bedrock outcroppings.

Residential houses and vacant land are present along the western boundary of the SITE. A large asphalt covered parking lot abuts the SITE to the south. Adjoining properties to the east along Marbledale Road include an auto repair facility, karate studio, fitness studio, brewery, an oil company, a collision center, a vacant lot, and a medial manufacturing facility. A truck transformer and pole storage facility adjoins the property to the north.

On the northern end of the SITE there are areas of tall grasses, especially in the northern central portion of the SITE. Two storage sheds were observed on the property. The sheds are visible in the northwestern and northeastern portion of the property. Outside of the shed in the northeastern portion of the SITE, two drums were noted. A 40-gallon polyethylene drum and a 55-gallon steel drum were noted in close proximity to the northeastern shed. Both drums were noted to contain unknown liquid contents. However, the drums were noted to be open and the contents may be primarily rainwater. Two 5-gallon fuel containers and a few small beverage sized bottles filled with what appears to be waste oil were also noted in the area around the northeastern shed. No direct evidence of release was noted in this area of the SITE.

Along the western edge of the SITE, HES noted a wooded area where there was also a rock ledge wall that rose approximately 30 feet above grade. In the wooded area HES observed a 55-gallon drum which was lying on its side and contained a liquid which was attributed to rainwater. An empty propane cylinder was also noted in this area of the SITE.

It is important to note that the following were <u>not</u> observed during the Phase I ESA SITE reconnaissance:

- Floor drains
- Noxious odors
- Evidence of drywells, pits, ponds, or lagoons
- Evidence of leachate or seeps
- Oil stained soil, pavement, or building materials other than small *de minimis* stains
- Solid waste disposal
- Waste water, wells, or septic systems
- Evidence of petroleum exploration, extraction, or refinery

8.2 Interior Observations

Two small (approximately 8'x12') storage sheds were observed on the SITE at the time of the inspection. One of the shed is located in the northwestern corner of the SITE and the second shed is located in the northeastern portion of the SITE. The shed in the northwestern corner of the property is wood and was mounted on a trailer. The shed in the northeastern corner of the property is metal with plywood interior walls and floors.

HES entered both sheds to inspect the contents and to look for evidence of RECs. The shed in the northwestern corner contained some debris and one empty 5-gallon fuel container. The shed in the northeastern portion of the SITE contained several empty and partially full paint cans and other general debris. The floor could not be viewed in the northeastern shed due to the presence of a significant amount of debris. However, the paint cans did not appear to have leaked.

The buildings both appeared to be used as temporary storage sheds that must have supported former SITE activities. As such, the buildings did not appear to be served by any utilities (water, sewer, or electric) and contained no evidence of heating or cooling units.

8.3 SITE Reconnaissance Limitations

The ASTM Standards for Phase I ESAs require the identification of limitations that were encountered that may affect the ability to identify potential environmental conditions on the SITE and to provide an opinion as to the significance of the limitation with regard to the ability to identify potential environmental conditions on-SITE.

- Dense vegetation was noted over much of the property during the SITE Reconnaissance obstructing the view of the ground. The inability to view the ground surface may have prevented HES from identifying RECs in connection with the SITE.

9 INTERVIEWS

In accordance with ASTM E 1527-05 Chapters 10 and 11, interviews with present owners, operators, and occupants of the SITE were conducted, for the purpose of gathering information regarding the potential for RECs at the SITE. The following presents a summary of the interviews that were conducted.

9.1 User or User's Representative(s)

Mr. Bill Weinberg was provided with HES' environmental questionnaire and he provided a response on August 20, 2013. Mr. Weinberg also provided email responses on August 26, 2013 to supplemental questions asked by HES. A summary of Mr. Weinberg's August 26th responses is provided in **Section 2** of this report. Mr. Weinberg had knowledge of the USTs that were formerly present on the SITE, but have since been removed. Mr. Weinberg also had knowledge that the property has been filled with material of unknown origin.

9.2 Current Owner(s), and Occupant(s)

9.2.1 Current Owners - Ardmar Realty

Mr. Howard Slotnick of Ardmar Realty, the current SITE owners, were interviewed as a part of this Phase I ESA. Mr. Slotnick completed an environmental questionnaire on the telephone with Richard Vandenberg of HES. Regarding the SITE, Mr. Slotnick indicated the following:

- The SITE was formerly used for marble mining. The open pit mine was reportedly over 100 feet deep.

- Ardmar Realty has owned and operated the property since the 1970's. Prior to Ardmar's ownership of the property, it was leased for a portion of time so that the open pit marble mines could be filled in by the Village of Tuckahoe. Mr. Slotnick indicated that he has a letter provided by the Village of Tuckahoe that indicates that the mines were filled with material that was verified to be 'clean' by the village.

- In the 1970's and 1980's, Ardmar used the property to store new cars awaiting delivery to nearby new car dealers owned by Mr. Slotnick. He also said that no used cars were ever stored on-SITE.

- The adjacent Denning & Sons building (#125 Marbledale Road) was formerly used by Lee Oil & Chemical Co. as a waste oil recycling facility. Lee Oil reportedly maintained tanks on, or just adjacent to, the SITE. In addition, a UST was also present in this area of the SITE. The ASTs were removed by Lee Oil and the UST was removed by Dutchess Environmental at the direction of Mr. Slotnick. A soil cleanup project was undertaken by Dutchess in 2003 following the removal of the UST from the SITE. Mr. Slotnick indicated that the NYSDEC was present during the tank removal and eventually closed the spill file for the SITE. [NOTE: Review of the 2003 Dutchess Environmental Report documenting the tank closure and spill cleanup for the SITE indicates that contaminants were observed in soil associated with the tank piping and dispenser]

- During the UST removal, piping from another UST located on the adjacent fitness property was discovered. The piping and tank were removed and soil remediation was undertaken. Mr. Slotnick indicated that the nature of the tank was never determined. He further indicated that the tank may have been used provide fuel for the former marble quarry building.

9.2.2 Current Occupants

Because the property is currently vacant, no current occupants were identified as a part of this Phase I ESA.

9.3 Past Owners, Operators, and Occupants

Past owners, operators, and occupants of the SITE were not identified by the user and were not included in the interview process. However, the lack of interviewing past owners has not impacted HES' ability to identify RECs in connection with the SITE.

9.4 Interviews with State and/or Local Government Officials

9.4.1 Village of Tuckahoe Building Department

Mr. Bill Williams of the Building Department Code Enforcement Office was interviewed regarding his knowledge of RECs at the SITE. Mr. Williams has worked at the Village of Tuckahoe Building Department for the past 15 years and, when asked, was familiar with the property. Mr. Williams indicated that the property has had a significant history being the former SITE of an open pit marble mine, then being used to store cable for the telephone company (NYNEX), and vehicles for the former property owners. [Note: others spoken to regarding past marble mining operations indicated that the mines were filled by the Village with material from unknown sources.] Mr. Williams also indicated that he had knowledge that the tanks were present on the SITE and removed by Dutchess. These files were identified in the records reviewed at the building department (see **Section 7.1**).

9.4.2 Village of Tuckahoe Fire Department

HES contacted the Village of Tuckahoe Fire Department to interview officials regarding the potential presence of RECs in connection with the SITE. Fire Prevention Officer Lt. Pintavalle was interviewed on the telephone to determine if any records exist relative to the SITE. According to Lt. Pintavalle, who has been with the department for the past 16 years (of which 7 have been as the Fire Prevention Officer), no records exist for 109 Marbledale Road. However, tank records do exist for 113 and 125 Marbledale Road. They include a 1969 record of two 2,000 gallon tanks (not know if AST or UST) at 113 Marbledale Road, a 1951 record of a 2,000 gallon UST at 125 Marbledale, and a 1950 record of two (2) 5,000 gallon USTs at 125 Marbledale. No other pertinent records were noted by Lt. Pintavalle during the telephone interview.

10 ADDITIONS, EXCEPTIONS, AND DEVIATIONS

According to Chapter 12.13 of ASTM E 1527-05, all additions and deviations from this practice shall be listed individually in detail. This includes any client-imposed constraints. In this regard, the following additions and deviations to this practice were identified:

10.1 Additions

No ASTM Non-Scope considerations were added to HES's Scope of Work as a part of this Phase I ESA:

10.2 Exceptions and Deviations

No exception and/or deviations to the ASTM E 1527-05 Phase I ESA practice were made.

11 DATA GAPS

ASTM E 1527-05 Chapter 12.7 requires the identification of data gaps that may affect our ability to identify potential environmental conditions on the SITE, to further identify the sources of information consulted to attempt to fill these data gaps, and the significance of the data gap with regard to the ability to identify potential environmental conditions onsite.

Regarding this Phase I ESA, the following data gaps were identified:

- Due to the long history of development in Tuckahoe and the highly urbanized nature of the properties surrounding the SITE, records dating back to the first development of the SITE were not obtained representing a data gap. However, given the fact that the earliest identified record was in the late 1800s, HES does not believe that this lack of understanding has significantly affected our ability to identify RECs in connection with the SITE.
- The presence of SITE limitations which include the presence of dense overgrowth of grass and weeds in the central portion of the property represents a data gap for this Phase I ESA. Based on the fact that no significant areas of dead vegetation were noted, HES does not believe that this data gap has impacted our ability to identify RECs in connection with the SITE.

12 FINDINGS AND OPINIONS

The following is a summary of relevant environmental findings concerning the SITE and HES' professional opinion concerning these findings:

- Soil and groundwater has been documented to be impacted with SVOCs, and metals in exceedance of applicable standards. The distribution of contaminants noted during the Phase II ESA suggests two potential sources: fill and petroleum related releases. The detected metals at the SITE may have been brought in with the material used to fill the open pit marble mines and the petroleum may be residual contamination remaining from the use of the property for petroleum bulk storage. It is important to recognize that Mr. Slotnick indicated during his interview with HES that he has a letter indicating that only 'clean' material was used by the Village to fill the open pit mines and the petroleum was cleaned up to the satisfaction of the NYSDEC, however, changes in standards over time may explain why metals and petroleum contaminants have been recently detected above applicable standards. It is therefore our opinion that the presence of these contaminants and associated impacted environmental media indicates the presence of an existing environmental condition at the SITE.

- Review of Village of Tuckahoe Building Department records and interviews conducted as a part of this Phase I ESA indicates the SITE was previously used for petroleum bulk storage at and adjacent to the SITE (i.e. gym property). Four ASTs and piping related to an off-SITE UST were formerly located near the southeastern corner of the SITE (i.e. in the vicinity of the gym building and building marked #125). A UST was also removed from the SITE and another UST was removed from the gym property immediately adjacent to the SITE (see **Figures 2 and 3**). Reports reviewed by HES indicate that release(s) of petroleum have also occurred at and adjacent to the property from this former petroleum storage. HES' interview with Mr. Slotnick revealed that the spill SITE was closed to the satisfaction of the NYSDEC. However, some of the contaminants detected during HES' Phase II ESA are attributable to bulk storage of petroleum. Fire Department records indicate that there may be at least one other 5,000 gallon UST beneath the gym property at an undetermined location. As a result, there is strong potential that environmental media in this area of the SITE were contaminated by the former storage of petroleum on the property. In addition, soil standards have also changed since 2003, which would explain why the SITE was formerly closed to the NYSDEC satisfaction. Based on this information, it is our opinion that the former storage of petroleum on-site represents a current REC.

- SITE reconnaissance observations indicate the presence of drums and some waste oil filled containers near the northeastern corner of the SITE. Some rainwater filled drums were noted at other locations on the SITE. The unattended storage of these drums and their condition (i.e. open to the atmosphere and rusted) suggest that releases of their contents, which may have included petroleum and/or hazardous substances, may have occurred to the environmental media at the SITE.

- The documented former use of the property for the storage of vehicles between at least 1966 and 1996 represents an environmental concern that that requires further consideration. Interview information obtained from Mr. Slotnick indicates that only new cars were being stored on-site. Given this understanding, it is our opinion that there was a minimal risk of significant releases of petroleum from the stored vehicles. As such, we do not believe that this condition represents a REC.
- The regulatory database search results provided by EDR indicates that numerous NY leaking tank sites, NY USTs, AST USTs, sites with engineering controls, RCRA generators and a CERLIS NFRAP are all located within 0.25 mile of the SITE. In addition, a significant number of properties and former properties surrounding the SITE have high risk uses including: auto body repair, oil distribution, and utility vehicle and pole storage. Based on these findings and due to the dense urban nature and long history of use of the area surrounding the SITE there is a significant risk that releases of hazardous substances and/or petroleum have occurred in close proximity to the SITE. As such, there is also a correspondingly risk that historic releases of this nature have impacted the soil and/or groundwater beneath the SITE that cannot be overlooked.

13 CONCLUSIONS

We have performed a Phase I Environmental Site Assessment in conformance with the scope and limitations of ASTM Practice E 1527-05 Standards of 109-125 Marbledale Road, Tuckahoe, New York, the property. Any exceptions to, or deletions from this practice are described in **Section 10** of this report. This assessment has revealed no evidence of recognized environmental conditions in connection with the property except for the following:

- REC-1 – The presence of a significant amount of fill on SITE within the former open pit marble mines represents a REC because HES' prior Phase II ESA work has demonstrated that the soil is impacted with metals.
- REC-2 – The former use of the property for petroleum bulk storage represents a REC because release(s) from tanks were documented in 2003, cleaned up, but changes in the NYSDEC standards have led to residual contamination on-SITE in excess of applicable standards.
- REC-3 – The presence of drums and containers on the property and the improper storage of these containers represents a REC because there is a significant risk that these containers may have released their contents to the environmental media beneath the SITE.
- REC-4 – The documented presence of the use, and release, of petroleum and/or hazardous substances at numerous sites surrounding the SITE,

especially those along Marbledale Road, represents a REC because a significant number of these are located at a higher elevation than the SITE and this contamination may have impacted the environmental conditions of the SITE.

14 RECOMMENDATIONS

The ASTM Standards require that the environmental professional determine the degree of obviousness of the presence or likely presence of contamination, releases, or other environmental conditions at the SITE, and the ability to detect contamination. Based on the findings of this Phase I ESA, obvious conditions that are indicative of potential contamination or past releases are present at the SITE. In order to maintain *bona fide* prospective purchaser liability protection under CERCLA, the seller or purchaser must demonstrate appropriate care, which typically will entail the completion of the follow-up work. As such, HES recommends the following work be completed to assess the identified RECs:

- Regarding REC-1, HES previously recommended that additional Phase II ESA activities be conducted to further assess the SITE. However, the filled portion of the open pit mine on the northern portion of the property were not assessed during the former Phase II ESA.

- Regarding the other RECs identified as a part of this Phase I ESA in connection with the SITE, HES recommends that additional Phase II ESA activities be conducted to determine the nature and extent of any impacted environmental media.

This work is necessary so that a Remedial Action Work Plan (RAWP) can be prepared. The RAWP is an essential part of the future submissions to the State of New York Brownfields Program.

15 SIGNATURES OF ENVIRONMENTAL PROFESSIONALS

The following individuals performed this Phase I ESA in conformance with ASTM Standard Practice E 1527-05 and AAI Standards. Any work completed on this Phase I ESA by an individual who is not considered an environmental professional was completed under the supervision or responsible charge of the environmental professional listed after the Environmental Professionals Statement provided below.

Brian Turchetta
Environmental Scientist

Environmental Professionals Statement

We declare that, to the best of our professional knowledge and belief, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR 312 and we have the specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject property. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR Part 312.

Richard S. Vandenberg, CG, PG
Senior Project Manager

William A. Canavan, CPG, PG
President

16 LIMITATIONS AND CONDITIONS

HES has performed this Phase I ESA in conformance with ASTM Practice E 1527-05. This ESA was designed to provide the client with a broad overview of environmental conditions existing at the SITE. No subsurface investigations or laboratory analysis were conducted as part of this investigation.

This report is for the use and benefit of, and may be depended upon by, Bilwin Development Affiliates, LLC or any of his affiliates, and third parties with prior written permission or HES, as well as the lender(s) in conjunction with a secured financing of the subject property, and their corresponding successors and assignees. Acceptance of this report by a third party signifies an agreement that any use or dependence on this report shall be circumscribed by the exceptions and limitations in this report, with the admission that real SITE conditions may alter with time, and that hidden conditions may exist at the subject property that were not perceivable within the scope of this assessment.

No other representation is made to any third party by HES, except that the degree of concern and skill regularly exercised by environmental consultants has been used in the assembling of data and information and preparation of the report related thereto. No other warranties are made to any third party, either explicit or implicit.

17 REFERENCES

The online Village of Tuckahoe, NYSDEC files, the EPA website, and various other sources including geological and historical maps were researched for the SITE and surrounding properties.

LOCAL RESOURCES

- **Village of Tuckahoe Official Website** (on-line)
- **Village of Tuckahoe Building Department Files** (in person)
- **Village of Tuckahoe Fire Department** (via telephone)

NYSDEC RESOURCES

- **NYSDEC Solid Waste Facilities**

EPA RESOURCES

- **CERCLIS Hazardous Waste Site's**. Information obtained from USEPA website.
- **CERCLIS NFRAP**. Information obtained from USEPA website.
- **RCRIS Database**. Information obtained from USEPA website.
- **EPA Enforcement and Compliance History Online (ECHO)**.
- **Superfund Database**. Search of NPL, SAND, and SHORT sites. Information obtained from USEPA website.

ADDITIONAL RESOURCES

- **Historical Sanborn Fire Insurance Maps**.
- **Historical USGS Maps of New England**.
- **USGS Topographic Quadrangle**.
- **EDR® Database Report, Dated August 13, 2013**.
- ASTM E 1527-05 Standard Practice for Environmental SITE Assessments: Phase I Environmental SITE Assessment Process, American Society for Testing and Materials, Conshohocken, PA.
- Cadwell, Donald H., Editor, 1989, Surficial Geologic Map of New York, Lower Hudson Sheet, New York State Museum – Geological Survey, Map and Chart Series #40.

- Fisher, Donald W., Y.W. Isachsen and L.V. Richard, 1970, Geologic Map of New York, Lower Hudson Sheet, New York State Museum and Science Service, Map - Chart Series #15.

- Phase II ESA Report – HydroEnvironmental Solutions, Somers, New York

Recognized Environmental Condition - the presence or likely presence of any hazardous substances or petroleum products on a property under conditions that indicate an existing release, past release, or material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, groundwater, or surface water of the property. The term includes hazardous substances or petroleum products even under conditions in compliance with the law.

FIGURES

FIGURE 1
SITE LOCATION MAP

109-125 MARBLEDALE ROAD
TUCKAHOE, NEW YORK

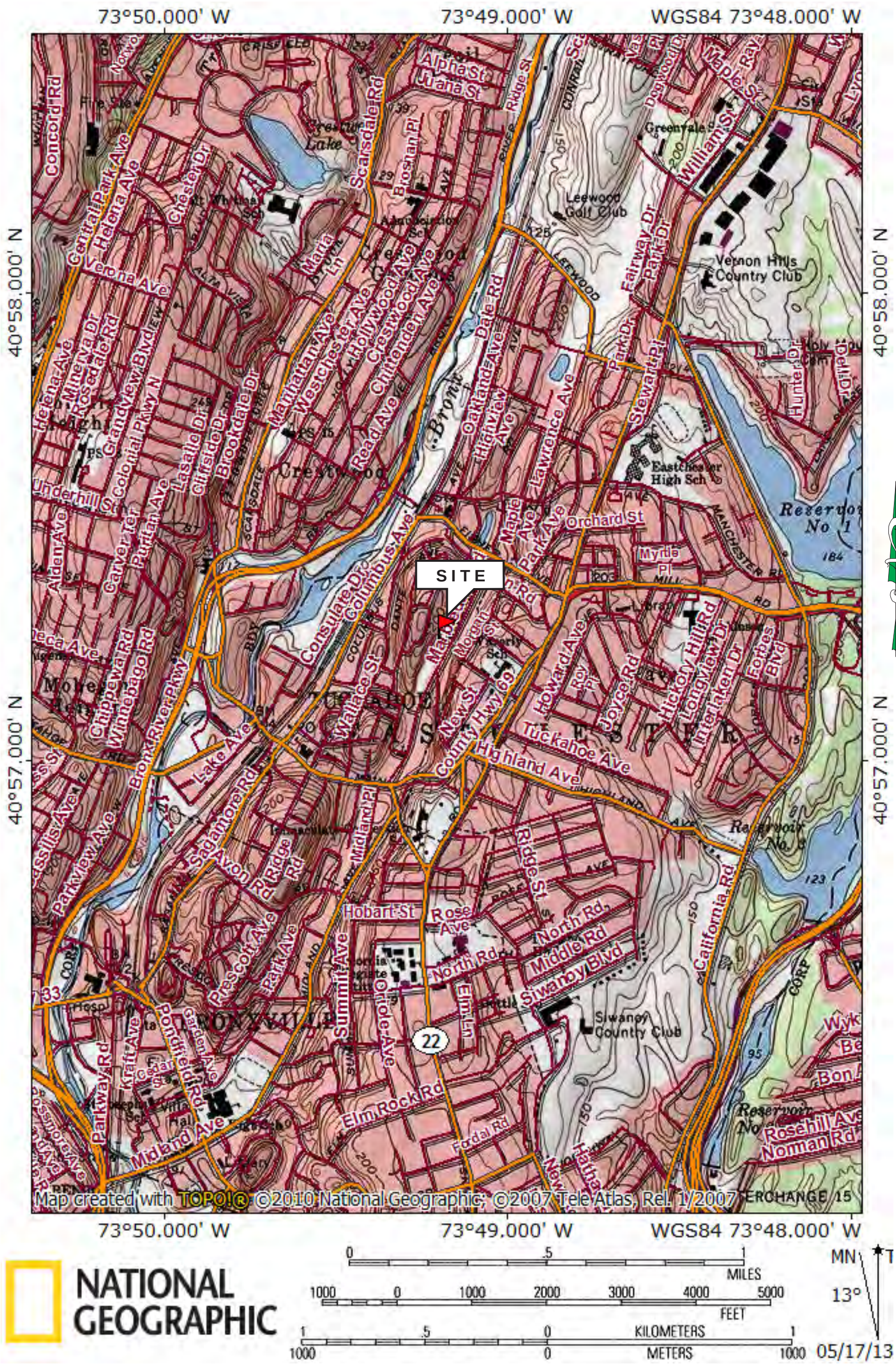

FIGURE 2

109-125 MARBLEDALE ROAD TUCKAHOE, NEW YORK	SITE PLAN	NOT TO SCALE / AUGUST 2013 Phase I Environmental Site Assessment	HydroEnvironmental SOLUTIONS, INC. One Deans Bridge Road Somers, New York 10589

FIGURE 3

109-125 MARBLEDALE ROAD TUCKAHOE, NEW YORK	AERIAL PHOTOGRAPH SHOWING THE SITE AND SURROUNDING AREA	NOT TO SCALE Phase I Environmental Site Assessment	August 2013

HydroEnvironmental
SOLUTIONS, INC.
One Deans Bridge Road
Somers, New York 10589

APPENDICES

APPENDIX 1:

RESUMES

Summary Resume: **WILLIAM A. CANAVAN**

Education:

1989 - Southern Illinois University, Carbondale, IL
M.S. Geology
1986 - Franklin & Marshall College, Lancaster, PA
B.A. Geology

Certifications/Seminars:

Certified Professional Geologist; CPG #9036
Licensed Geologist: Mississippi, New Hampshire
NJDEP Licensed Site Remediation Professional (LSRP): License No. 594633
NJDEP Subsurface Evaluator; License No. 220983
Asbestos Site Inspector; Cert. No. 05-12451
OSHA Certification (29 CFR, 1910.120); Personal and Supervisor with Annual Refresher Certification
NGWA Introduction to Groundwater Chemistry
ASTM Risk Based Corrective Action Application Training
Lead Mitigation at Shooting Ranges – Conference Sponsored by the National Rifle Association
Princeton Remediation Course
NGWA Conference on Petroleum Hydrocarbons in Groundwater (attended 3 times)
American Water Resources Association National Conference-Hydrology and Groundwater
NJDEP Site Remediation Basics Seminar
Wetlands Delineation Certification
Radon Testing, Indoor Air Quality Testing
NGWA Member

Professional Experience:

1998 – Present	President, HydroEnvironmental Solutions, Inc., Somers, NY
1996 – 1998	Hydrogeologist/Regional Manager, Lincoln Applied Geology, Inc., Somers, NY
1992 – 1996	Senior Hydrogeologist, Leggette, Brashears & Graham, White Plains, NY
1989 – 1992	Hydrogeologist, Leggette, Brashears & Graham, Wilton, CT
1988 – 1989	Hydrogeologist, Lincoln Applied Geology, Inc., Lincoln, VT
1987 (summer)	Hydrogeologist, Lincoln Applied Geology, Inc., Lincoln, VT
1986 (summer)	Hydrogeologist, Malcolm Pirnie, Inc., Hamden, CT
1984 (summer)	Geologist, The Army Corps of Engineers, New York, NY

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William A. Canavan – Resume

Sample Project Assignments:

- Comprehensive work scope and report writing, client correspondence and liaison to State Agencies in Vermont, New York, New Jersey, Massachusetts and Connecticut.
- Principal investigator of a water supply development project for a major ski area in central Vermont including well location and development, testing and final permitting.
- Conducted site investigations/remedial investigation work plans for projects in New Jersey under the current Licensed Site Remediation Professional (LSRP) regulations to expedite Response Action Outcome (RAO) status.
- Principal investigator for a comprehensive feasibility analysis for developing a groundwater based high yield golf course irrigation system including very low frequency geophysical surveys; Rockaway, NJ.
- Project Hydrogeologist for the design, implementation and construction of a comprehensive trench and well based groundwater recovery component of an in situ coal tar contamination bioremediation system; Barre, VT.
- Project Hydrogeologist responsible for the redevelopment of a multi-well recovery system to improve recovery of spilled gasoline from groundwater at a petroleum storage facility including multiple well step-drawdown and long-term pump tests to determine system influence on contaminated confined and unconfined regional aquifers.
- Project Hydrogeologist responsible for determining and remediating the areal and vertical extent of petroleum contamination in a shallow aquifer on Long Island Sound including installation of a 17 well monitoring network, well development and sampling, pump testing to determine capture zones affected by tidal fluctuation and aquifer characteristics and soil venting remedial system design, implementation, operation and monitoring.
- Project Hydrogeologist responsible for comprehensive groundwater monitoring and sampling programs to determine magnitude and extent of contamination problems at fuel storage facilities in New York, New Jersey, Minnesota, Nebraska, South Dakota, Connecticut and Vermont.
- Principle investigator for multiple phased environmental site assessments of commercial, industrial, and manufacturing sites in New York, Vermont, New Jersey and Connecticut.

- Principal investigator coordinating and conducting a comprehensive investigation of multiple contaminant sources in downtown Schenectady, NY resulting in the identification of a single responsible party on behalf of the New York State Department of Environmental Conservation.
- Project Hydrogeologist responsible for the investigation of an industrial waste disposal site owned by a major chemical and munitions manufacturer including the design and implementation of a subsurface testing program for determining the extent and volume of buried waste and negotiations with the client and Connecticut Department of Environmental Protection.
- Project Hydrogeologist for the design of a USGS gaging station on an Adirondack river to determine the relationship of rainfall and downstream gages to privately held watershed. Work completed on behalf of legal counsel for private club as part of pending litigation over river navigability.
- Environmental oversight during remedial actions related to commercial and residential underground storage tanks (USTs) at numerous sites in New York and New Jersey.

Publications:

Canavan, W.A., 2001, "Creation of Groundwater Resource Maps for Planning Future Development", in Abstracts and Programs, American Water Resources Conference.

Canavan, W.A., Vandenberg, R., Revell, S., 1997, A Risk Based Corrective Action Approach at Urban Leaking Underground Storage Tank Sites, in Groundwater in the Urban Environment-Volume I, Problems, Processes and Management, Edited by John Chilton, et al. Pages 377-393.

Canavan, W.A., 1990, Statistical Applications to Channel Morphology for a Bedrock Stream, in Geological Society of America Abstracts with programs.

Canavan, W.A, 1989, The Fluvial Geomorphology of a Northern Appalachian Bedrock Stream, New Haven River, Central Vermont, M.S. Thesis Southern Illinois University at Carbondale, 141 p.

Orbach-Miller, S.; W.A. Canavan, and R. C. Kockel, 1987, Assessment of Landslide Potential Along Route 3 in Southern Illinois, in Proceedings of the 38th Annual Highway Geology Symposium, Engineers Society of Western Pennsylvania.

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Summary Resume: **BRIAN M. TURCHETTA**

Education: 2009 – University of Rhode Island, Kingston, RI
B.S. Environmental Science and Management

Certifications/Seminars: OSHA Certification (29 CFR 1910.120) & Annual Refresher Certification
NJDEP Site Remediation Basics Seminar

Professional Experience:

May 2011 – Present	Environmental Scientist, HydroEnvironmental Solutions, Inc., Somers, NY
Sept. 2009 – Nov. 2010	Environmental Field Technician, Marshall Environmental Group, Warwick, RI

Sample Project Assignments:

- Environmental oversight during the removal of residential and commercial underground storage tanks (USTs) and soil excavation for petroleum storage at numerous sites. Duties have included achieving closure of spills in accordance with NYSDEC and NJDEP environmental regulations and within estimated costs.
- Environmental oversight and direction during the installation of test borings and groundwater monitoring wells at petroleum spill sites.
- Operation of Geoprobe drill rig, environmental oversight and direction during the installation of soil borings and groundwater monitoring wells at petroleum spills and dewatering sites in New York.
- Completed oversight and monitoring during Vacuum Enhanced Fluid Recovery (VEFR) remedial operations to reduce soil and groundwater contamination at numerous fuel oil impacted sites.
- Conducted groundwater monitoring and sampling.
- Conducted quarterly groundwater sampling for municipal road salt study.

Richard S. Vandenberg

51 East Pasture Road
Berwick, Maine

M: +1-603-812-5695
Email: rsvandenberg@comcast.net

SUMMARY

Highly experienced with all aspects of the execution and management of complex multi-faceted projects ranging from the development of large and small scale water supplies for communities and industry to complex environmental assessment and cleanups at underutilized, vacant, and/or moth-balled industrial/mill properties. Successfully developed quality assurance/quality control programs for technical outputs and OSHA compliant health and safety programs. Proven track record of managing corporate staff, project budgets and timelines, business development efforts, assisting clients with the preparation of grant/loan applications for federal programs, managing all aspects of state funded cleanup programs on behalf of clients, and successfully integrating private and public funding sources throughout project performance.

EXPERIENCE

Credere Associates, LLC — Nov 2007 - Present

Senior Project Manager/Senior Hydrogeologist (Portland & Westbrook, Maine)

Responsible for managing Credere's staff during performance of environmental assessment and cleanup projects. Initiated and lead a quality initiative for the company that resulted in a significant overall improvement in the quality of technical outputs, better relationships with regulators, and improved delivery timeliness. Responsible for ensuring ASTM International and All Appropriate Inquiry compliance of Phase I Environmental Site Assessment (ESA) and Phase II ESA outputs prepared by the firm. Actively participated on the ASTM International E-50 subcommittee and 1527-05 Task Group, whose mission it was to rewrite the Phase I ESA Standard (E 1527-05). Accomplishments include:

- Lead the development of and provided technical review of approximately 100 ASTM 1527-05 compliant Phase I ESAs for EPA funded Brownfields projects and privately funded projects in New Hampshire and Maine.
- Lead the development of and provided technical review of EPA and state approved Site-Specific Quality Assurance Project Plans (SSQAPPs) for ASTM Phase II ESA projects at 60 EPA Brownfields sites in New Hampshire and Maine.
- Oversight/project management of the implementation of several environmental cleanup projects ranging from $60K to $400K each.
- Prepared and provided technical review of more than 60 OSHA 1910.120 compliant Health & Safety Plans for the firm's work at environmental assessment and cleanup sites.
- Assisted in the winning of U.S. EPA funded Brownfields Program environmental assessment and cleanup contracts from the following entities: Rockingham Planning Commission ($1Millon); Southern New Hampshire Planning Commission ($400K); Nashua Regional Planning Commission($200K); Lakes Region Planning Commission ($800K); Southern Maine Regional Planning Commission ($640K); Greater Portland Council of Governments ($600K); the Town of Tilton, New Hampshire ($200K); and the Town of Pittsfield, Maine ($200K).
- Developed two 3-D groundwater flow and contaminant transport models using MODFLOW as a subcontractor for a New York based consulting firm.
- Lead the company's successful state petroleum reimbursement program that recovered more than 98% of petroleum cleanup work expenditures for Credere clients.

Corporate Environmental Advisors (CEA) — October 2006 – November 2007

Senior Project Manager (Concord, New Hampshire)

Responsible for management of environmental projects for Shell Oil Company and other regional oil distributors in New Hampshire. Responsible for ensuring that all technical outputs developed met New Hampshire Department of Environmental Services requirements.

HydroEnvironmental Solutions, Inc. December 2005-October 2006

Senior Hydrogeologist & Regional Manager (Berwick, Maine)

Oversight of the development and growth of a start-up regional office for the company. Maintained direct oversight of all on-going New England projects while providing oversight of all hydrogeologic projects in the company's headquarters in New York. In direct charge of quality of all reports prepared for the firm. Accomplishments include:

- Prepared an OSHA 1910.120 and 1910.146 compliant Health & Safety Plan that was adopted by the City of New York for the confined space entry of all above ground storage tanks at their wastewater facilities.
- Developed five 3-D groundwater flow models using MODFLOW.

The Verterre Group, Inc. October 2002- December 2005

Senior Hydrogeologist & Regional Manager (York, Maine)

Managed the York, Maine regional office for the company. Maintained direct oversight of all on-going regional projects while providing oversight of all companywide hydrogeologic projects. Managed a team of five Vermont office field-deployed technical and support staff focused on construction dewatering, water supply development, and remedial system design at sites throughout the northeast (NH, VT, NY and MA). Reinvigorated the state reimbursement program for Verterre clients in New Hampshire which resulted in a reimbursement rate of nearly 100%. Chief safety officer for the company which involved the development various safety programs including OSHA compliant Respirator Program and the development of OSHA 1910.120 compliant Health & Safety Plans for approximately 30 sites.

Mobile Remediation Services, Inc. May 2001- April 2008

Co-Founder & Vice President (Lincoln, Vermont)

Established Mobile Remediation Services, Inc., a provider of mobile treatment solutions for soil and groundwater LUST sites. Responsibilities included business development, marketing, and strategic planning. Assisted with the design and construction of a mobile dual-phase extraction system that was used by Lincoln Applied Geology, Inc. in the Vermont 'Pay for Performance' program and in Massachusetts to cleanup several sites.

Lincoln Applied Geology, Inc. June 1993 – October 2002

Project Manager & Hydrogeologist (Lincoln, Vermont)

Responsible for the direction and implementation of a variety of investigation, remediation, and water supply projects throughout the northeast (NH, VT, NY, and MA). Collaborated with other company geologists, technicians, and support staff to execute projects. Developed OSHA 1910.120 compliant Health & Safety Plans for approximately 50 sites. Assisted with the development of more than 25 water supply wells for towns, communities, and industrial clients in NH, VT, and MA that ranged from 10 to 3,000 gallons per minute.

Leggette, Brashears and Graham, Inc. August 1989 – May 1993

Hydrogeologist I & Hydrogeologist II (Fishkill, New York & Nashua, New Hampshire)

Responsible for all field aspects of environmental site assessment and water supply development projects in NY, NH, MA, and ME. Met or exceeded the monthly chargeability goal 100% of the time.

EDUCATION & TRAINING

Elective post-baccalaureate coursework - Hays State University, Hays, Kansas. Geological mapping & electron microscopy. September 1987 to May 1989.
Bachelor of Arts - University of Maine, Farmington, Maine. Geology/Chemistry. May, 1987.
Training Certifications - OSHA 40 Hour HAZWOPER; OSHA Supervisor; OSHA Confined Spaced Entry.

PROFESSIONAL REGISTRATIONS & ASSOCIATIONS

ASTM International E-50 Subcommittee Member and 1527-05 Task Group Member (past 3 years).
American Institute of Professional Geologists Certified Professional Geologist #9627.
State of Maine Certified Geologist #GE0452.
State of New Hampshire Professional Geologist #052.

APPENDIX 2:

SCOPE OF WORK

HYDROENVRIONMENTAL SOLUTIONS, INC.
STANDARD SCOPE OF WORK
FOR
PHASE I ENVRIONMENTAL SITE ASSESSMENTS

The following is HydroEnvironmental Solutions, Inc (HES) scope of work for completion of this Phase I Environmental Site Assessment (ESA) conducted in accordance with the ASTM Standard Practice for Environmental Site Assessments: Phase I Process (ASTM 1527-05). The ASTM Standard Practice for Environmental Site Assessments: Phase I Process (ASTM 1527-05) meets the requirements of the Environmental Protection Agency (EPA) Standards and Practices for All Appropriate Inquiries (AAI); Final Rule (40 CFR Part 312).

The objective of conducting a Phase I ESA is to provide a concise liability assessment in order that informed environmental business decisions may be made regarding the subject property. To accomplish this goal, our reports contain a summary that focuses on potential liabilities and presents conclusions and recommendations for confirming or dismissing the concerns and Recognized Environmental Conditions (RECs) identified during the Phase I ESA.

Our Phase I ESA process consists of the following four tasks: (1) records review, (2) site reconnaissance, (3) interviews, and (4) report. Each of these tasks is described in detail below.

Records Review

The purpose of the records review was to obtain and review reasonably ascertainable[1] records that help identify recognized environmental conditions in connection with the property. The following state and federal environmental record sources, with the minimum search distances used for each, are reviewed from USEPA websites, the New York City Department of Environmental Protection (NYCDEP) and New York State Department of Environmental Conservation (NYSDEC) online databases, and an environmental records report for the property from FirstSearch Technology Corp:

Source	**Minimum Search Distance (mi)**
Federal NPL Site List	1.0
Federal CERCLIS List	0.5
Federal RCRA TSD Facilities List	1.0
Federal RCRA Generators List	Property and Adjoining Properties
Federal ERNS List	Property Only
State Leaking UST Sites	0.5

[1] Information that is 1) publicly available, 2) obtainable from its source within reasonable time and cost constraints, and 3) practically reviewable (ASTM E 1527-05).

Source	Minimum Search Distance (mi)
State Registered UST Sites	Property and Adjoining Properties

These records are reviewed for database listings associated with activities identified on the target property, or nearby sites that may have the potential to impact the target property. Additional state and local records sources are reviewed to enhance or supplement the federal and state sources identified above. These include:

- Lists of Landfill/Solid Waste Disposal Sites
- Records of Emergency Release Reports
- USGS 7.5 Minute Topographic Map
- Department of Natural Resources Publications
- State Geologic Surveys and Reports
- Fire Department
- County Health Department

Historical records for the subject property and surrounding area are reviewed to determine the previous uses or occupancies of the property and surrounding area to identify those uses or occupancies that are likely to have led to recognized environmental conditions in connection with the property. The following historical records are reviewed:

- Ownership/Lease-Right History
- Aerial Photographs
- Historical USGS Topographic Maps
- Historical City Directories
- Historical Fire Insurance Maps
- Historical Property Tax Assessor, Code Enforcement, and Zoning/Land Use Records
- Previous Environmental Investigations

Historical information contained in any previous environmental site assessments is reviewed, incorporated, and referenced as appropriate.

Site Reconnaissance

The site reconnaissance is performed to obtain information indicating the likelihood of identifying recognized environmental conditions in connection with the target property. The site reconnaissance includes visual and physical observations noted while observing the periphery of the property, the periphery of all structures on the property, all interior spaces of the structure, including maintenance and repair areas, common areas, storage areas, and boiler rooms. HES notes the presence or absence of the following:

- Storage tanks
- Odors
- Pools of liquid
- Drums
- Identified and/or unidentified substance containers
- Likely PCB-containing transformers or window caulk
- Heating/cooling sources
- Interior stains or corrosion
- Drains and sumps
- Pits, ponds, lagoons
- Stained soil or pavement
- Stressed vegetation
- Solid waste
- Wastewater
- Wells
- Septic systems

Any visual or physical indications of past uses of the property that are likely to involve the use, treatment, storage, disposal, or generation of hazardous substances or petroleum products are noted. Current and/or past uses of adjoining properties and/or the surrounding area to the extent visually or physically observed which are likely to indicate RECs in connection with the adjoining property or property are also noted.

Interviews

Interviews with current and former owners and occupants are conducted to obtain information indicating RECs in connection with the property. The content of questions to be asked shall attempt to obtain information about uses and conditions of items noted during the site reconnaissance and to obtain any environmentally pertinent documents or any threatened, pending, or past: litigation, administrative actions, or notices of violation relevant to hazardous substances or petroleum products in, on, or from the property. Reasonable attempts will be made to interview the property owner, occupant, and/or key site manager.

Interviews with local government officials are conducted to obtain information indicating RECs in connection with the subject property. Reasonable attempts are made to interview a staff member of the following types of local government agencies: fire department, tax assessor, code enforcement officer, health agencies, and/or local/regional office of state agency having jurisdiction over hazardous waste disposal or other environmental matters in the area in which the property is located.

Report

Our report for the Phase I ESA will generally follow the recommended report format presented in ASTM E 1527-05. The report will include documentation to support the analysis, opinions, and conclusions presented in the report, as well as the credentials of the environmental professional(s) responsible for the Phase I ESA. The report will include the environmental professional's opinion of the impact of recognized environmental conditions in connection with the property. If the assessment reveals no evidence of RECs, then a statement to this effect will be made in the report.

Non-ASTM-Scope Considerations

The following non-ASTM-scope considerations can be added to the HES's scope of work as a part of this Phase I ESA:

- Radon
- Asbestos
- Lead Based Paint
- Polychlorinated Biphenyls (PCBs) Containing Equipment
- Wetlands

APPENDIX 3:

PHOTOGRAPHS

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the SITE looking northwest

View of the former asphalt/gravel/grass parking area
in the southern portion of the SITE looking west

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the former asphalt/gravel/grass parking area
in the southern portion of the SITE looking south

View of an overgrown area on the southern portion
of SITE looking toward the adjacent building (#125)

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the center of the SITE looking south

View of an overgrown area of the SITE where tank related soil remediation formerly occurred

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the center of the SITE looking southwest

View of the center of the SITE looking north

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the storage shed noted in the northeastern corner of the SITE

View of the interior of the storage shed in the northeastern corner of the SITE

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the interior contents of the storage shed in the northeastern corner of the SITE

View of one of the beverage containers observed to contain waste oil
near the storage shed in the northeastern corner of the SITE

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the drums and other containers adjacent to the storage shed in the northeastern corner of the SITE

View of rusted paint containers inside the storage shed in the northeastern corner of the SITE

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the storage shed noted in the northwestern corner of the SITE

View of the interior contents of the storage shed
noted in the northwestern corner of the SITE

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of a discarded drum noted along the western SITE boundary

View of an abandoned electric service noted along the western SITE boundary

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the Phil Denning & Sons building adjacent to the SITE to the east

View of the Medi-Ray, Inc. building across Marbledale from the southern portion of the SITE

Photographs taken during environmental site assessment activities on August 14, 2013
HydroEnvironmental Solutions, Inc., One Deans Bridge Road, Somers, New York 10589

PHASE I Environmental Site Assessment (PHOTO LOG)

109-125 Marbledale Road
Tuckahoe, New York

View of the Besson Oil, Inc. building across Marbledale from the central portion of the SITE

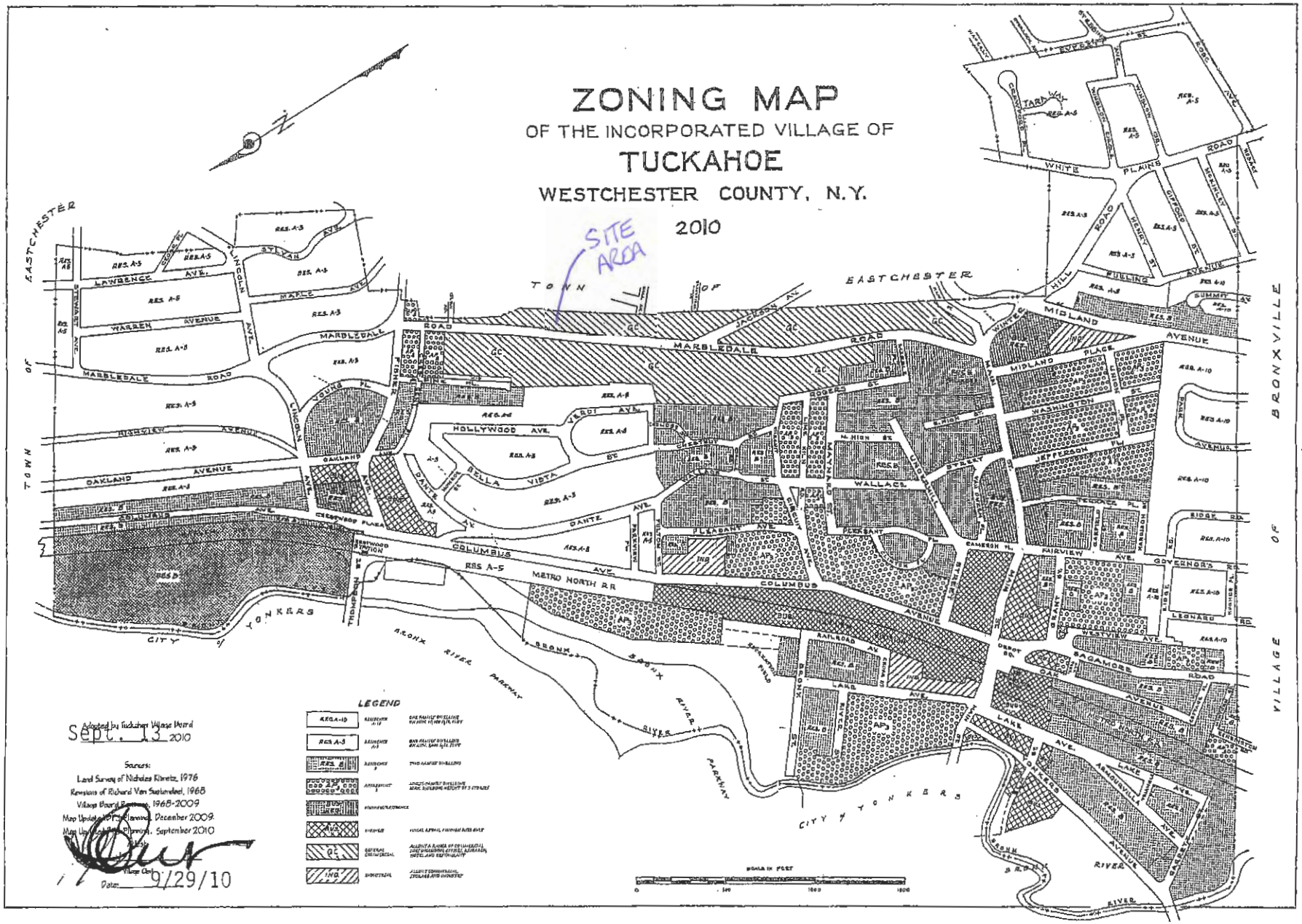
APPENDIX 4:

EDR DATABASE REPORT

(Please Note: This section is not included in the electronic copy of this report. Please find Appendix 4 on CD.)

APPENDIX 5:

PERTINENT LOCAL RECORDS


ZONING MAP
OF THE INCORPORATED VILLAGE OF
TUCKAHOE
WESTCHESTER COUNTY, N.Y.
2010
SITE AREA
TOWN OF EASTCHESTER
VILLAGE OF BRONXVILLE
CITY OF YONKERS
LEGEND
RES. A-10
RES. A-5
RES. B
AP
AP2
AP3
INS
GC
SCALE IN FEET
0
500
1000
1500
Adopted by Tuckahoe Village Board
Sept. 13 2010
Sources:
Land Survey of Nicholas Ribeiz, 1976
Revisions of Richard Van Saturendael, 1988
Village Board Resolutions, 1988-2009
Map Updated by Town Planning, December 2009.
Map Updated by Town Planning, September 2010
Village Clerk
Date 9/29/10

CUDDY & FEDER LLP

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NORWALK, CONNECTICUT

TO: Mr. Howard Slotnick; Mr. Bill Williams; Leslie B. Maron, Esq.; Ms. Jeanene Morgan

FROM: William S. Null, Esq.

MAIN OFFICE NO.

TELECOPIER NO. (718) 884-6224/ (914) 793-2107/ (914) 949-8118

DATE: 1/13/04 **PAGES:** 3 (Including Cover) **CLIENT:** 32988 **MATTER:** 1

MESSAGE:

OPERATOR: Danielle Thrower (914) 761-1300 Ext. 243

IF THERE ARE ANY PROBLEMS, PLEASE NOTIFY OPERATOR IMMEDIATELY.

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NORWALK, CONNECTICUT

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THOMAS M. BLOOMER
JOSEPH P. CARLUCCI
JOHN J. CARMODY
LUCIA CHIOCCHIO (also CT)
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ANTHONY B. GIOFFRE III (also CT)
SUSAN E.H. GORDON
KAREN G. GRANIK
JOSHUA J. GRAUER
LAWRENCE E. HOROWITZ (also NJ, FLA)
KENNETH F. JURIST
MICHAEL L. KATZ (also NJ)
JOSHUA E. KIMERLING (also CT)
DANIEL F. LEARY (also CT)
BARRY E. LONG

WILLIAM S. NULL
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ELISABETH N. RADOW
NEIL T. RIMSKY
RUTH E. ROTH
JONATHAN S. SAUL (also NJ)
JENNIFER L. VAN TUYL
CHAUNCEY L. WALKER (also CA)

Of Counsel
ANDREW A. GLICKSON (also CT)
ROBERT L. OSAR (also TX)
MARYANN M. PALERMO
ROBERT C. SCHNEIDER

January 12, 2004

BY FACSIMILE: (914) 793-2107
Hon. Wayne Simmons, Chairman, and
Members of the Zoning Board of Appeals
Village of Tuckahoe
65 Main Street
Tuckahoe, New York 10707

Re: Ardmar Realty Company

Dear Chairman Simmons and Members of the Zoning Board of Appeals:

On behalf of Ardmar Realty Company, we respectfully submit this letter in furtherance of the application filed herein relating to 109 Marbledale Road, Tuckahoe, New York (the "Premises").

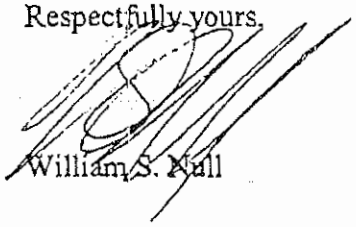
At your July 17, 2003 meeting, you requested that Ardmar Realty Company submit a Full Environmental Assessment Form with a letter from New York State Department of Environmental Conservation ("DEC") to address concerns that the Zoning Board of Appeals expressed about tanks on the Premises. Accordingly, without prejudice to its position that a Full Environmental Assessment Form is not required for this Type II Action, Ardmar Realty Company has contacted DEC following its meeting with Mr. Howard Slotnick and has been coordinating with it concerning the removal of the tanks.

We continue to coordinate with DEC regarding the removal of the tanks, which work has been substantially completed and, without prejudice, will forward it to you DEC's written correspondence upon receipt. Accordingly, we respectfully request that this matter again be adjourned from the Board's agenda this month.

CUDDY & FEDER LLP

Thank you for your consideration in this matter.

Respectfully yours,



William S. Null

WSN:dlt
By Facsimile:
cc: Mr. Howard Slotnick; Mr. Bill Williams; Leslie B. Maron, Esq.; and Ms. Jeanene Morgan

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NORWALK, CONNECTICUT

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ROBERT L. OSAR (also TX)
MARYANN M. PALERMO
ROBERT C. SCHNEIDER

September 3, 2004

BY FACSIMILE: (914) 793-2107
Hon. Wayne Cimmons, Chairman, and
Members of the Zoning Board of Appeals
Village of Tuckahoe
65 Main Street
Tuckahoe, New York 10707

Re: Ardmar Realty Company

Dear Chairman Cimmons and Members of the Zoning Board of Appeals:

On behalf of Ardmar Realty Company, we respectfully submit this letter in furtherance of the application filed herein relating to 109 Marbledale Road, Tuckahoe, New York (the "Premises").

Without prejudice to its position that a Full Environmental Assessment Form ("Full EAF") is not required for this Type II Action, Ardmar Realty Company respectfully encloses seven (7) counterparts of a completed Full EAF for your review and consideration.

Further, Ardmar Realty Company hereby proposes to locate a small "Butler-type" building on the southern portion of the Premises in order to provide its tenants with an executive industrial office location from which they may dispatch their vehicles, meet with their employees and conduct their industrial businesses on the Premises. The exact placement of this building within the Premises is proposed to be discussed with this Board and the Planning Board as it is a Site Plan consideration.

At the last meeting of the Board, the Chairman asked whether the keeping of vehicles and trailers on the Premises was a permitted use in the Industrial District. It should be noted that the current design of the Site Plan submitted to the Village (prior to our proposal to place a building thereon) was prepared in coordination with Mr. Bill Williams, Building Inspector, and prior Leslie B. Maron, Esq., then Village Attorney, with whom I personally delineated the locations of the automobiles, trucks and trailers that are proposed to be stored on the Premises, or otherwise maintained thereon, by the tenants of Ardmar Realty Company. This proposal has not changed other than to add the placement of the above-described building upon a poured concrete footing, which building will be provided with electricity and telephone service to enable the tenants to operate their Industrial businesses.

Thank you for your consideration in this matter.

Respectfully yours,

William S. Null

WSN:dlt
Enclosure
cc: Mr. Howard Slotnick; Mr. Bill Williams; John D. Cavallaro, Esq.; Leslie B. Maron, Esq.; Mr. Frank Fish; and Ms. Jeanene Morgan

617.20
Appendix A
State Environmental Quality Review
FULL ENVIRONMENTAL ASSESSMENT FORM

Purpose: The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

Part 1: Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.

Part 2: Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.

Part 3: If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

THIS AREA FOR LEAD AGENCY USE ONLY

DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions

Identify the Portions of EAF completed for this project: ☐ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

☐ A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore **a negative declaration will be prepared.**

☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore **a CONDITIONED negative declaration will be prepared.***

☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore **a positive declaration will be prepared**.

*A Conditioned Negative Declaration is only valid for Unlisted Actions

Ardmar Realty Company, 109 Marbledale Road, Tuckahoe, New York

Name of Action

Zoning Board of Appeals, Village of Tuckahoe, New York

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

website

Date

PART 1--PROJECT INFORMATION
Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action Ardmar Realty Company, 109 Marbledale Road, Tuckahoe, New York

Location of Action (include Street Address, Municipality and County)

109 Marbledale Road, Tuckahoe, New York

Name of Applicant/Sponsor Ardmar Realty Company (c/o The Artina Group)

Address P.O. Box 157250, 250 Clearbrook Road

City / PO Elmsford State New York Zip Code 10523

Business Telephone (914)345-6260

Name of Owner (if different) _____

Address _____

City / PO _____ State _____ Zip Code _____

Business Telephone _____

Description of Action:

Continued storage of automobiles, trucks, trailers and equipment on property related to industrial uses.

Please Complete Each Question--Indicate N.A. if not applicable

A. SITE DESCRIPTION

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use: ☐ Urban ☑ Industrial ☐ Commercial ☑ Residential (suburban) ☐ Rural (non-farm)
   ☐ Forest ☐ Agriculture ☐ Other _____

2. Total acreage of project area: 3-plus acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	0 acres	_____ acres
Forested	0 acres	_____ acres
Agricultural (Includes orchards, cropland, pasture, etc.)	0 acres	_____ acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	0 acres	_____ acres
Water Surface Area	0 acres	_____ acres
Unvegetated (Rock, earth or fill)	2-plus acres	2-plus acres
Roads, buildings and other paved surfaces	1-plus acres	1-plus acres
Other (Indicate type) Steeply sloped hillside with brush	.75 acres	.75 acres

3. What is predominant soil type(s) on project site? UF (Urbanland) 100%

   a. Soil drainage: ☐ Well drained _____% of site ☐ Moderately well drained _____% of site.
   ☐ Poorly drained _____% of site

   b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? _____ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site? ☑ Yes ☐ No

   a. What is depth to bedrock _____ (in feet)

5. Approximate percentage of proposed project site with slopes:

   ☐ 0-10% _____% ☐ 10- 15%_____% ☐ 15% or greater_____%

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places? ☐ Yes ☑ No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks? ☐ Yes ☑ No

8. What is the depth of the water table? N/A (in feet)

9. Is site located over a primary, principal, or sole source aquifer? ☐ Yes ☑ No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area? ☐ Yes ☑ No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered? ☐ Yes ☒ No

According to:

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?

☐ Yes ☒ No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

☐ Yes ☒ No

If yes, explain:

14. Does the present site include scenic views known to be important to the community? ☐ Yes ☒ No

15. Streams within or contiguous to project area:

None.

a. Name of Stream and name of River to which it is tributary

16. Lakes, ponds, wetland areas within or contiguous to project area:

None.

b. Size (in acres):

17. Is the site served by existing public utilities? ☒ Yes ☐ No

a. If **YES**, does sufficient capacity exist to allow connection? ☒ Yes ☐ No

b. If **YES**, will improvements be necessary to allow connection? ☐ Yes ☒ No

18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☒ No

19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 617? ☐ Yes ☒ No

20. Has the site ever been used for the disposal of solid or hazardous wastes? ☐ Yes ☒ No

B. Project Description

1. Physical dimensions and scale of project (fill in dimensions as appropriate).

a. Total contiguous acreage owned or controlled by project sponsor: 3-plus acres.

b. Project acreage to be developed: None acres initially; None acres ultimately.

c. Project acreage to remain undeveloped: N/A acres.

d. Length of project, in miles: N/A (if appropriate)

e. If the project is an expansion, indicate percent of expansion proposed. N/A %

f. Number of off-street parking spaces existing N/A ; proposed N/A

g. Maximum vehicular trips generated per hour: N/A (upon completion of project)?

h. If residential: Number and type of housing units:

	One Family	Two Family	Multiple Family	Condominium
Initially				
Ultimately				

i. Dimensions (in feet) of largest proposed structure: None height; _____ width; _____ length.

j. Linear feet of frontage along a public thoroughfare project will occupy is? _____ ft.

2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? Zero tons/cubic yards.

3. Will disturbed areas be reclaimed ☐ Yes ☐ No ☒ N/A

a. If yes, for what intended purpose is the site being reclaimed?

b. Will topsoil be stockpiled for reclamation? ☐ Yes ☐ No

c. Will upper subsoil be stockpiled for reclamation? ☐ Yes ☐ No

4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? Zero acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

☐ Yes ☒ No

6. If single phase project: Anticipated period of construction: N/A months, (including demolition)

7. If multi-phased:

   a. Total number of phases anticipated _____ (number)

   b. Anticipated date of commencement phase 1: _____ month _____ year, (including demolition)

   c. Approximate completion date of final phase: _____ month _____ year.

   d. Is phase 1 functionally dependent on subsequent phases? ☐ Yes ☐ No

8. Will blasting occur during construction? ☐ Yes ☒ No

9. Number of jobs generated: during construction N/A ; after project is complete

10. Number of jobs eliminated by this project N/A .

11. Will project require relocation of any projects or facilities? ☐ Yes ☒ No

    If yes, explain:

12. Is surface liquid waste disposal involved? ☐ Yes ☒ No

    a. If yes, indicate type of waste (sewage, industrial, etc) and amount _____

    b. Name of water body into which effluent will be discharged _____

13. Is subsurface liquid waste disposal involved? ☐ Yes ☒ No Type _____

14. Will surface area of an existing water body increase or decrease by proposal? ☐ Yes ☒ No

    If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain? ☐ Yes ☒ No

16. Will the project generate solid waste? ☐ Yes ☒ No

    a. If yes, what is the amount per month? _____ tons

    b. If yes, will an existing solid waste facility be used? ☐ Yes ☐ No

    c. If yes, give name _____ ; location _____

    d. Will any wastes not go into a sewage disposal system or into a sanitary landfill? ☐ Yes ☐ No

e. If yes, explain:

17. Will the project involve the disposal of solid waste? ☐ Yes ■ No

    a. If yes, what is the anticipated rate of disposal? _____ tons/month.

    b. If yes, what is the anticipated site life? _____ years.

18. Will project use herbicides or pesticides? ☐ Yes ■ No

19. Will project routinely produce odors (more than one hour per day)? ☐ Yes ■ No

20. Will project produce operating noise exceeding the local ambient noise levels? ☐ Yes ■ No

21. Will project result in an increase in energy use? ☐ Yes ■ No

    If yes, indicate type(s)

22. If water supply is from wells, indicate pumping capacity N/A gallons/minute.

23. Total anticipated water usage per day N/A gallons/day.

24. Does project involve Local, State or Federal funding? ☐ Yes ■ No

    If yes, explain:

25. **Approvals Required:**

			Type	Submittal Date
City, Town, Village Board	☐ Yes	☒ No		
City, Town, Village Planning Board	☒ Yes	☐ No	Site Plan	
City, Town Zoning Board	☒ Yes	☐ No	Special Permit	
City, County Health Department	☐ Yes	☒ No		
Other Local Agencies	☐ Yes	☒ No		
Other Regional Agencies	☐ Yes	☒ No		
State Agencies	☐ Yes	☒ No		
Federal Agencies	☐ Yes	☒ No		

C. **Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision? ☒ Yes ☐ No

If Yes, indicate decision required:

☐ Zoning amendment	☐ Zoning variance	☐ New/revision of master plan	☐ Subdivision
☒ Site plan	☒ Special use permit	☐ Resource management plan	☐ Other

2. What is the zoning classification(s) of the site?

Industrial.

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

Not calculated.

4. What is the proposed zoning of the site?

N/A.

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A.

6. Is the proposed action consistent with the recommended uses in adopted local land use plans? ■ Yes ☐ No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Industrial & residential.

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile? ■ Yes ☐ No

9. If the proposed action is the subdivision of land, how many lots are proposed? N/A

   a. What is the minimum lot size proposed? _____

10. Will proposed action require any authorization(s) for the formation of sewer or water districts? ☐ Yes ☒ No

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection?

☐ Yes ☒ No

a. If yes, is existing capacity sufficient to handle projected demand? ☐ Yes ☐ No

12. Will the proposed action result in the generation of traffic significantly above present levels? ☐ Yes ☒ No

a. If yes, is the existing road network adequate to handle the additional traffic. ☐ Yes ☐ No

D. Informational Details

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

E. Verification

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name Ardmar Realty Company Date 8/31/04

Signature Howard Slatkin

Title Gen. Partner

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

Responsibility of Lead Agency

General Information (Read Carefully)

- In completing the form the reviewer should be guided by the question: Have my responses and determinations been **reasonable?** The reviewer is not expected to be an expert environmental analyst.
- The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- The number of examples per question does not indicate the importance of each question.
- In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.

b. **Maybe** answers should be considered as **Yes** answers.

c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.

d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.

e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.

f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
Impact on Land			
1. Will the Proposed Action result in a physical change to the project site? NO ☐ YES ☐			
Examples that would apply to column 2 • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%.	☐	☐	☐ Yes ☐ No
• Construction on land where the depth to the water table is less than 3 feet.	☐	☐	☐ Yes ☐ No
• Construction of paved parking area for 1,000 or more vehicles.	☐	☐	☐ Yes ☐ No
• Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.	☐	☐	☐ Yes ☐ No
• Construction that will continue for more than 1 year or involve more than one phase or stage.	☐	☐	☐ Yes ☐ No
• Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a santary landfill.	☐	☐	☐ Yes ☐ No
• Construction in a designated floodway.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)
☐ NO ☐ YES

• Specific land forms:	☐	☐	☐ Yes ☐ No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)
☐ NO ☐ YES

Examples that would apply to column 2

• Developable area of site contains a protected water body.	☐	☐	☐ Yes ☐ No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	☐	☐	☐ Yes ☐ No
• Extension of utility distribution facilities through a protected water body.	☐	☐	☐ Yes ☐ No
• Construction in a designated freshwater or tidal wetland.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

4. Will Proposed Action affect any non-protected existing or new body of water?
☐ NO ☐ YES

Examples that would apply to column 2

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	☐	☐	☐ Yes ☐ No
• Construction of a body of water that exceeds 10 acres of surface area.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
5. Will Proposed Action affect surface or groundwater quality or quantity? ☐ NO ☐ YES			
Examples that would apply to column 2			
• Proposed Action will require a discharge permit.	☐	☐	☐ Yes ☐ No
• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.	☐	☐	☐ Yes ☐ No
• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.	☐	☐	☐ Yes ☐ No
• Construction or operation causing any contamination of a water supply system.	☐	☐	☐ Yes ☐ No
• Proposed Action will adversely affect groundwater.	☐	☐	☐ Yes ☐ No
• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.	☐	☐	☐ Yes ☐ No
• Proposed Action would use water in excess of 20,000 gallons per day.	☐	☐	☐ Yes ☐ No
• Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.	☐	☐	☐ Yes ☐ No
• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.	☐	☐	☐ Yes ☐ No
• Proposed Action will allow residential uses in areas without water and/or sewer services.	☐	☐	☐ Yes ☐ No
• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?
☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action would change flood water flows	☐	☐	☐ Yes	☐ No
• Proposed Action may cause substantial erosion.	☐	☐	☐ Yes	☐ No
• Proposed Action is incompatible with existing drainage patterns.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow development in a designated floodway.	☐	☐	☐ Yes	☐ No
• Other impacts:	☐	☐	☐ Yes	☐ No

IMPACT ON AIR

7. Will Proposed Action affect air quality?
☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action will induce 1,000 or more vehicle trips in any given hour.	☐	☐	☐ Yes	☐ No
• Proposed Action will result in the incineration of more than 1 ton of refuse per hour.	☐	☐	☐ Yes	☐ No
• Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow an increase in the amount of land committed to industrial use.	☐	☐	☐ Yes	☐ No
• Proposed Action will allow an increase in the density of industrial development within existing industrial areas.	☐	☐	☐ Yes	☐ No
• Other impacts:	☐	☐	☐ Yes	☐ No

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?
☐ NO ☐ YES

Examples that would apply to column 2

• Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site.	☐	☐	☐ Yes	☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	☐	☐	☐ Yes ☐ No
• Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?
☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.	☐	☐	☐ Yes ☐ No
• Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?
☐ NO ☐ YES

Examples that would apply to column 2

• The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)	☐	☐	☐ Yes ☐ No
• Construction activity would excavate or compact the soil profile of agricultural land.	☐	☐	☐ Yes ☐ No
• The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)
☐ NO ☐ YES

Examples that would apply to column 2			
• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	☐	☐	☐ Yes ☐ No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	☐	☐	☐ Yes ☐ No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?
☐ NO ☐ YES

Examples that would apply to column 2			
• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	☐	☐	☐ Yes ☐ No
• Any impact to an archaeological site or fossil bed located within the project site.	☐	☐	☐ Yes ☐ No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?
☐ NO ☐ YES

Examples that would apply to column 2			
• The permanent foreclosure of a future recreational opportunity.	☐	☐	☐ Yes ☐ No
• A major reduction of an open space important to the community.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?
☐ NO ☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2			
• Proposed Action to locate within the CEA?	☐	☐	☐ Yes ☐ No
• Proposed Action will result in a reduction in the quantity of the resource?	☐	☐	☐ Yes ☐ No
• Proposed Action will result in a reduction in the quality of the resource?	☐	☐	☐ Yes ☐ No
• Proposed Action will impact the use, function or enjoyment of the resource?	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?
☐ NO ☐ YES

Examples that would apply to column 2

• Alteration of present patterns of movement of people and/or goods.	☐	☐	☐ Yes ☐ No
• Proposed Action will result in major traffic problems.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☐ NO ☐ YES

Examples that would apply to column 2

• Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.	☐	☐	☐ Yes ☐ No
• Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☐ NO ☐ YES

Examples that would apply to column 2

• Blasting within 1,500 feet of a hospital, school or other sensitive facility.	☐	☐	☐ Yes ☐ No
• Odors will occur routinely (more than one hour per day).	☐	☐	☐ Yes ☐ No
• Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.	☐	☐	☐ Yes ☐ No
• Proposed Action will remove natural barriers that would act as a noise screen.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?
☐ NO ☐ YES

• Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.	☐	☐	☐ Yes ☐ No
• Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)	☐	☐	☐ Yes ☐ No
• Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.	☐	☐	☐ Yes ☐ No
• Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?
☐ NO ☐ YES

Examples that would apply to column 2

• The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.	☐	☐	☐ Yes ☐ No
• The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.	☐	☐	☐ Yes ☐ No
• Proposed Action will conflict with officially adopted plans or goals.	☐	☐	☐ Yes ☐ No
• Proposed Action will cause a change in the density of land use.	☐	☐	☐ Yes ☐ No
• Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.	☐	☐	☐ Yes ☐ No
• Development will create a demand for additional community services (e.g. schools, police and fire, etc.)	☐	☐	☐ Yes ☐ No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	☐	☐	☐ Yes ☐ No
• Proposed Action will create or eliminate employment.	☐	☐	☐ Yes ☐ No
• Other impacts:	☐	☐	☐ Yes ☐ No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
☐ NO ☐ YES

If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.

2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).

3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

   To answer the question of importance, consider:

   - The probability of the impact occurring
   - The duration of the impact
   - Its irreversibility, including permanently lost resources of value
   - Whether the impact can or will be controlled
   - The regional consequence of the impact
   - Its potential divergence from local needs and goals
   - Whether known objections to the project relate to this impact.

Reset

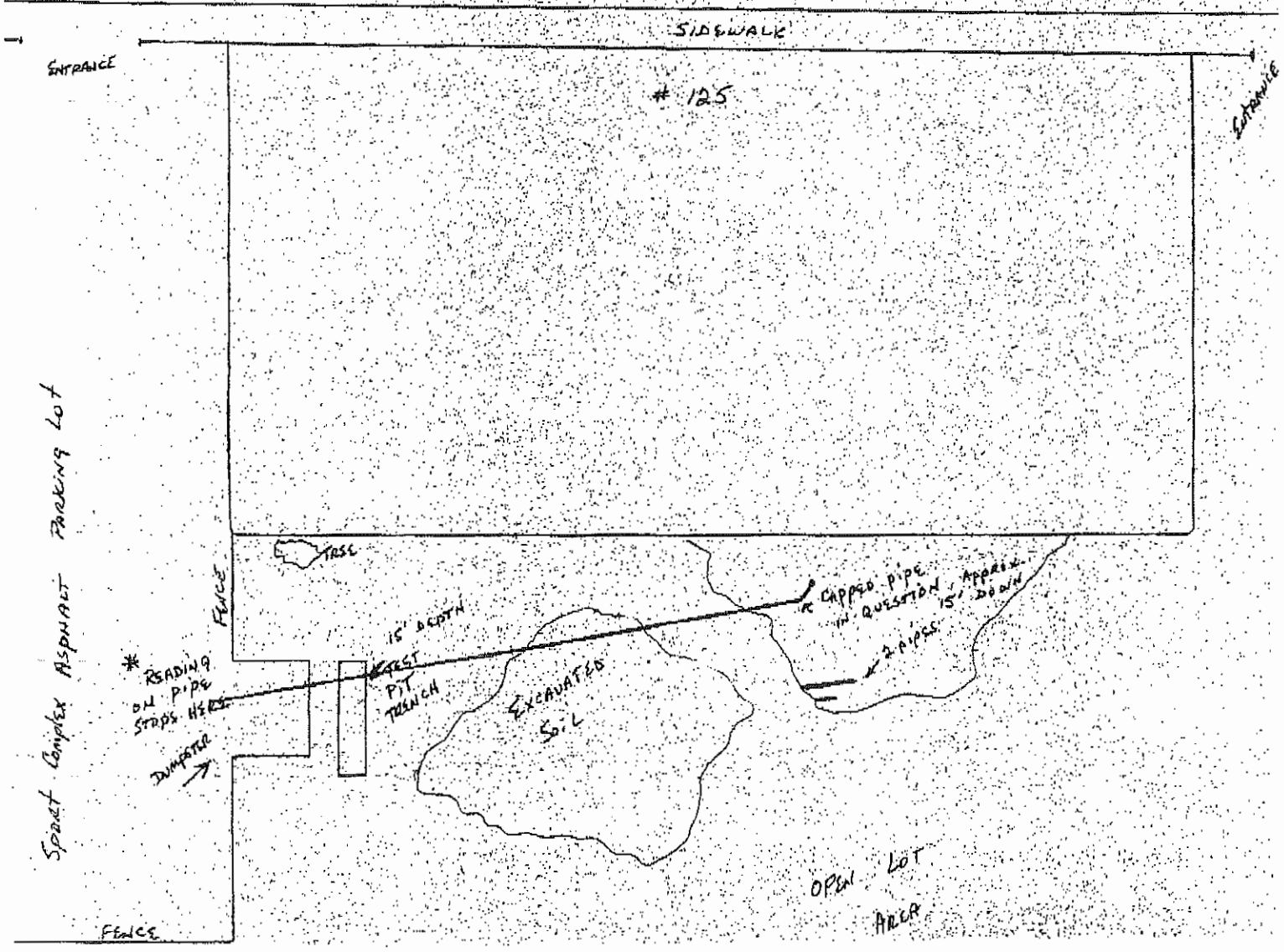
US Tank Tech

P.O. Box 84 • Carmel, New York 10512
Bus. (845) 225-5240 • Fax (845) 225-5483
www.ustanktech.com

December 22, 2003

Ardmar Realty
C/o Dutchess Environmental
936 Route 6
Mahopac, NY 10541

Site Address: 125 Marbledale Avenue
Tuckahoe, NY 10707



DUTCHESS ENVIRONMENTAL CONSTRUCTION
936 Route 6, Mahopac, NY 10541
Phone: 845-628-3610
Fax: 845-628-3591
EPA #: 000047506
NYSDEC #: 3A491
DutchessEnrmntl@rcn.com

March 31, 2004

Mr. John O'Mara
NYSDEC
21 South Putt Corners Road
New Paltz, New York 12561

Re: 125 Marbledale Rd.
Tuckahoe, NY

On 10/29/03, Dutchess Environmental Construction arrived at the above job location to prepare four (4) storage tanks for disposal, as per contract. Before the tanks could be entered and cleaned, they needed to be emptied of the oily water that had collected in them over the years. A total of 9500 gallons of oily water was recovered and disposed of.

On 10/30/03, Dutchess Environmental Construction was on site to continue the removal and disposal of the storage tanks. Two storage tanks were cleaned and removed from the cement pad located along the back of the building.

On 10/31/03, Dutchess Environmental Construction was on site to address the final 2 storage tanks. A total of 700 gallons of oily water was recovered from the tanks and disposed of. The tanks were then removed from the cement pad area, entered and cleaned. Upon removal of the last storage tank, an assessment of the area was performed and revealed that the pump and piping connecting the tanks had allowed oil seepage. The seepage had contaminated the surrounding soils and a soil sample was taken for soil disposal purposes.

On 11/25/03, Dutchess Environmental Construction was on site to begin the soil remediation process. The cement pad was removed from the tank area and two dump trucks were loaded with a total of 46.64 tons of contaminated soils. The soils were trucked and disposed of at TPS Technologies in New Windsor, NY. During the excavation, a 3" steel pipe of unknown origin was discovered and found to contain a flammable liquid. A vac truck was called to the site and a total of 30 gallons of liquid was recovered from the pipe. Two (2) 55 gallon drums were filled with oil soaked wood and litter that had collected in the tank area over time.

On 12/2/03, Dutchess Environmental Construction was on site to continue the soil remediation process. Upon arrival, it was discovered that the 3" pipe, of still unknown origin, was, again, filled with flammable liquid. A vac truck recovered and disposed of 60 gallons of the liquid. A total of 97.15 tons of contaminated soils were excavated, loaded into dump trucks, trucked to and disposed of at TPS Technologies in New Windsor, NY.

DUTCHESS ENVIRONMENTAL CONSTRUCTION
936 Route 6, Mahopac, NY 10541
Phone: 845-628-3610
Fax: 845-628-3591
EPA #: 000047506
NYSDEC #: 3A491
DutchessEnrmntl@rcn.com

Re: 125 Marbledale Rd.
Tuckahoe, NY

On 12/3/03, Dutchess Environmental Construction was on site to continue the soil remediation process. On arrival, the 3" pipe was found to be discharging product. A spill pond was built to help contain the product until a vac truck could respond. The origin of the pipe is still unknown. 45.37 tons of contaminated soils were excavated, loaded, trucked and disposed of at TPS Technologies in New Windsor, NY. As per a conversation Mr. John Omara of the NYSDEC, the decision was made to follow the 3" pipe by excavating the top and side of the pipe. The pipe was traced to the property line of Phoenix Fitness. Excavation was halted and a meeting with the property owners and local officials was set for 12/10/03. The pipe was closed off with a plumbing plug.

On 12/19/03, Dutchess Environmental Construction was on site along with Mr. Walter Morgan of US Tank Tech to determine the possibility of the existence of an out of service underground storage tank. (Please, see site survey report enclosed).

On 12/10/03, Dutchess Environmental Construction collected a sample of the unknown liquid from the 3" steel pipe, as per a conversation with Mr. John Omara of the NYSDEC. The liquid sample was sent to JMS Laboratories, a NYS certified facility, for analysis. Please, see enclosed lab report.

On 1/6/04, Dutchess Environmental Construction was on site to excavate the suspected tank area. Excavation began along the west portion of the fenced dumpster area. A portion of the storage tank was exposed and confirmed to be located under the cement pad area. The section of fence which separated the properties was removed and set aside and the cement dumpster pad was also removed. The remainder of the tank was then excavated and exposed. Arrangements were confirmed with Safety Kleen System, Inc. to be on site on 1/8/04 to pump and dispose of remaining product.

On 1/8/04, Dutchess Environmental Construction was on site to pump and prep the tank for removal. 1300 gallons of liquid were removed and disposed of by Safety Kleen, Inc. The tank was then treated with bio-solve agent and vented with a fresh air blower in preparation for cutting open and cleaning tank for disposal.

On both 1/9/04 and 1/12/04, Dutchess Environmental Construction returned to the site in an attempt to vent, cut, clean and remove the storage tank. Inclement weather, ground frost and below normal temperatures have prevented Dutchess Environmental from completing the tank removal to date. We expect to return to the site as soon as weather and conditions permit.

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Re: 125 Marbledale Rd.
Tuckahoe, NY

On 2/17/04, Dutchess Environmental Construction was on site to attempt to cut open, enter and clean the 5000 gallon UST. Upon cutting a hole in the top of the tank, a technician entered the tank to pack the remaining sludge into 55 gallon drums and clean the interior of the tank. A vac truck recovered the remaining 160 gallons of flammable liquid and three (3) 55 gallon hazmat drums were packed with sludge from the tank bottom. The tank was removed from the ground and inspected. Soil contamination was found to be present at and around the piping which fed off the bottom of the tank and onto Mr. Slotnick's property. An additional 20 tons (approx.) of impacted soils were stockpiled on poly. It was discovered that the bottom of the tank had been sitting on a cement pad. The pad was broken and a STARS soil sample was collected from the soil under the pad. After a phone conversation with Mr. John O'Mara of the NYSDEC, a STARS composite soil sample was collected from the 4 sidewalls and TPH, total lead, and total benzene samples were taken for soil disposal. The tank grave and excavated area was then backfilled with the clean soils that had been stockpiled on site.

On 2/18/04, Dutchess Environmental Construction returned to the site to continue backfilling the tank area. Clean soils were delivered to the site by MVM Contracting Corp. The soils were hauled from a site on Main St. in Tuckahoe, NY, as per arrangements made with Mr. Bill Williams, Tuckahoe Building Inspector.

On 3/10, 3/11, and 3/12/04, Dutchess Environmental Construction was on site to remove contaminated soils. Over the course of the three days, 118.42 tons of contaminated soils were loaded, trucked and disposed of at TPS Technologies in New Windsor, NY. On 3/13/04, J. Bass & Son, Inc. was on site to dismantle and dispose of the 5000 gallon storage tank. All disturbed areas were brought to grade and rough graded.

Please, review all enclosed paperwork and advise. Thank you.

Respectfully yours,

Keith Troccoli

cc: file

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Prompt Pick-Up Service

DISMANTLING • SCRAP IRON • METALS • MACHINERY

9 CARLETON AVE., MOUNT VERNON, N.Y. 10550 • TEL.: (914) 667-7442 • FAX: (914) 667-9647

CERTIFICATE OF DESTRUCTION

J. BASS & SON, INC.
9-11 CARLETON AVENUE
MOUNT VERNON, NY 10550

Customer:
Dutchess Environmental
125 Marbledale Rd.
Tuckahoe, NY

NO. 280
P.S. _____

Type _____ Qty _____ Date 3/13/04

5,000 Gallon Tank LBS
LBS
LBS

DISPOSITION

TRANSPORTER COMPANY-NAME AND ADDRESS:

J. BASS & SON, INC.
9-11 CARLETON AVENUE
MOUNT VERNON, NY 10550

I THE UNDERSIGNED CERTIFY THAT THE MATERIAL DESCRIBED ABOVE WILL ONLY BE DELIVERED TO A FACILITY FOR DESTRUCTION

SIGNATURE [signature], Manager CO. _____ DATE 3-16-04

I THE UNDERSIGNED CERTIFY THAT THE MATERIAL WILL BE PROCESS FOR REMELTING ONLY. THIS MATERIAL WILL NOT BE SOLD AS USABLE IN ANY SHAPE, FORM OR MANNER.

SIGNATURE [signature], Manager CO. _____ DATE 3-16-04

Manifest # B11 04463 001 03/10/04

Generator Site Information
Phoenix Fitness
130 Marbledale Road

Tuckahoe, NY 10707 USA

WEIGHMASTER Weighed At:
TPS Technolgies Inc.
1106 River Road

New Windsor, NY 12553 USA

BY DEPUTY:

				LBS	TONS	
0	IN --->	10:38:34am	Gross Wt:	70,040	35.02	Manual Wt
0	OUT --->	10:48:39am	Tare Wt:	27,860	13.93	Manual Wt
			NET WT:	42,180	21.09	

Truck Number
Trailer Number
Commodity: Petroleum Contaminated Soil

Driver On Gross and Tare Transporter:

US Tank Tech

P.O. Box 84 • Carmel, New York 10512
Bus. (845) 225-5240 • Fax (845) 225-5483
www.ustanktech.com

December 22, 2003

Ardmar Realty
C/o Dutchess Environmental
936 Route 6
Mahopac, NY 10541

Site Address: 125 Marbledale Avenue
Tuckahoe, NY 10707

A site survey to determine the possibility of an out of service fuel tank was done at the above location on 12/19/03 by Walter Morgan. The findings are as follows. While excavating to remove out of service tanks on this site, Dutchess Environmental exposed a pipe containing an unknown liquid. The pipe was immediately capped. The liquid was later identified by laboratory analysis to be a petroleum-based product. See attached laboratory analytical results sent to Dutchess Environmental. The pipe was believed to be associated with a tank shown on a site plan map near the adjacent sports complex property. A tracking unit was attached to this pipe. Readings received by the tracking unit lead to an area near the concrete pad for the dumpster used by the sports complex. See attached diagram. A magnetometer and void detector were used to scan the suspect area. Readings large enough to indicate a tank were obtained. We recommend an exploratory be done adjacent to the concrete pad. If the tank on the site plan is found, the contents of the tank should be pumped and the tank removed in accordance with Federal, State and Local guidelines. This concludes this report.

If you have any questions please contact us at 845-225-5240. Thank you.

Very Truly Yours,

Walter Morgan
U.S. Tank Tech

JACKSON AVE.

← NORTH

MARBLEDALE RD.

SOUTH →

EVERGREENS

CURB

GRASS

EXISTING GATE 20'

CURB

GRASS 51'

EXISTING GATE 20'

CURB

GRASS 144'

PHIL DENNING

TRUCK #1

TRUCK #2

TRUCK #3

25'

OFFICE TRAILER 8'

20'

CONCRETE BARRIER

55.6'

TRAILER #1

TRAILER #2

TRAILER #3

30'

20'

CONCRETE BARRIER

30'

20'

CONCRETE BARRIER

30'

NEW CHAINLINK FENCE

NYNEX PARKING

PARKING

49.4'

NEW CHAINLINK FENCE

20'

NEW GATE

51'

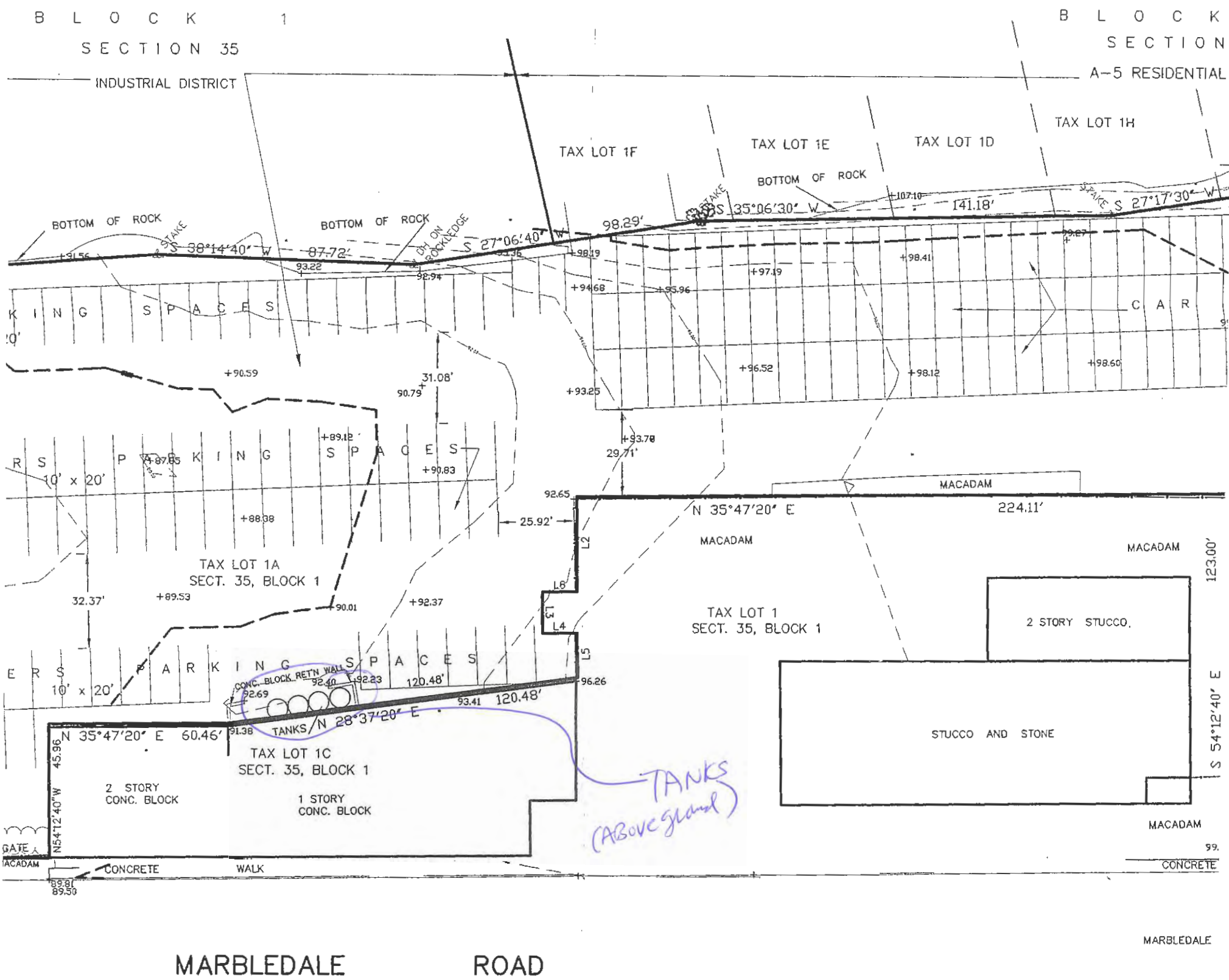
NEW CHAINLINK FENCE

164'

PARKING

PARKING

98'


B L O C K 1
SECTION 35
INDUSTRIAL DISTRICT
B L O C K
SECTION
A-5 RESIDENTIAL
TAX LOT 1F
TAX LOT 1E
TAX LOT 1D
TAX LOT 1H
BOTTOM OF ROCK
STAKE
S 38°14'40" W 87.72'
DH ON ROCKLEDGE
S 27°06'40" W
98.29'
S 35°06'30" W
141.18'
S 27°17'30" W
K I N G S P A C E S
C A R
10' x 20'
P A R K I N G S P A C E S
E R S
TAX LOT 1A
SECT. 35, BLOCK 1
TAX LOT 1C
SECT. 35, BLOCK 1
TAX LOT 1
SECT. 35, BLOCK 1
MACADAM
N 35°47'20" E 224.11'
25.92'
N 35°47'20" E 60.46'
45.96
N54°12'40"W
CONC. BLOCK RETN WALL
TANKS
N 28°37'20" E 120.48'
2 STORY CONC. BLOCK
1 STORY CONC. BLOCK
2 STORY STUCCO.
STUCCO AND STONE
123.00'
S 54°12'40" E
TANKS (Above ground)
GATE
CONCRETE WALK
CONCRETE
MARBLEDALE
MARBLEDALE ROAD
(50' WIDE ROAD)